Certified as a Regulation (or as Regulations) of the

Dept of Social Welfare
(Name of State Agency)

Director
(Signature)

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INTRODUCTION

The Old Age Security Program today is a continuation of the program set up by legislative enactment of 1929 and which became effective January 1, 1930. Under the original law needy persons 70 years of age or over who had been citizens for 15 years, and who had been residents in the state for 15 years, could receive assistance not to exceed $30 a month. In 1936 changes in the law were enacted to bring it into conformity with requirements of the Social Security Act, and federal participation in the cost of the program began. The grant was increased to $35 a month. Thereafter the grant was increased from time to time and by October 1948, had reached a maximum of $65.

Between 1937 and 1941 recipients were permitted to have income up to $15 a month which was not considered in determining the grant. Reluctantly the Legislature eliminated the exempt income feature effective July 1, 1941, in order to meet federal requirements. About the same time the law was amended to provide that certain types of personal property, including the cash surrender value of $1000 of insurance, were to be excluded in determining eligibility from a personal property standpoint.

On January 1, 1949, Article XXV of the State Constitution resulted in basic changes in the program. The maximum grant was increased from $65 to $75. The age requirement was reduced from 65 to 63. The personal property limitation was increased from $600 to $1500 and the value of specified items of personal property was excluded by the provisions of Article XXV. The exemption of certain personal property items was incompatible with the requirements of the Federal Social Security Administration, however, so that rulings were necessarily more restrictive than the expressed provisions of Article XXV. Relatives were relieved of responsibility for support of aged parents. This article transferred responsibility for administering the Old Age Security Program from the county to the state, and named the director of the department.

Article XXV was repealed by Article XXVII of the State Constitution effective March 1, 1950. Article XXVII provided for the continuation of the $75 maximum grant and re-enacted the provisions of the law as effective prior to January 1, 1949. Responsibility for administration of the Old Age Security Program was returned to the counties under state supervision, and the State Department of Social Welfare was again headed by a director appointed by the Governor.

Early in 1950 the Legislature amended the personal property provisions to require that most of the items of personal property previously held to be exempt be included in the limitation which was raised from $600 to $1200. A further enactment provided that the combined personal property holdings of a couple, if both were to receive aid, could not exceed $2000.

From this brief history of legislation relating to public assistance for the needy aged in California it can be seen that there has long been legislative recognition that providing assistance for this group is a matter of state-wide concern. In addition there has been a growing appreciation that old people require more than economic security in order to live a normal life. There is greater recognition that any person, regardless of age, must continue to be a functioning and integral part of his community. He has the need to continue active in his own behalf and in the interests of society as long as he is able to do so. To retire to a purposeless and enforced leisure is to die mentally, spiritually, and physically. Hence, it becomes a matter of vital importance to encourage him to use his capacities for his own support as well as to contribute to the life of those around him.

Population trends point unmistakably to a marked increase in the number of aged persons in our population. Already more people are living longer than in any other time in the known history of man. Since society's efforts in the field of preventive medicine, sanitation, nutrition, control of environment, etc., have resulted in keeping so many people alive for so long a span of years, it becomes the society's responsibility to see to it that the older person is not relegated to a useless and lonely existence. Such retirement is not only tragic in its consequences to the individual, but is also a tremendous waste of our most precious commodity--human resources.

While meeting the needs of the aged we must, at the same time, recognize our responsibility to the community which has, through legislation, made the program possible. To achieve this goal, it is necessary to have accurate and reliable investigation and interpretation. This should grow out of uniformly efficient state and county organizations whose common concern is to pay assistance in the correct amount to those entitled to receive it, and to meet the widest possible range of social needs of those they serve. Equally important is a respect for and understanding of human conduct which is dependent upon conscientious analysis of conditions, circumstances, and individual variations.

This manual is presented as a means of achieving the goal which the legislature has defined: ". . . . to promote the welfare and happiness of all the people of the state by providing public assistance to all of its needy and distressed . . . ." in such manner ". . . . . as to encourage self-respect, self-reliance; and the desire to be a good citizen, useful to society." (W&IC 19)

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In general, if conflicting evidence is presented, the older evidence is preferred, as there is less likelihood that age was misstated in order to qualify for aid. Greater weight is, in general, given to documentary evidence of an official or semi-official character than to evidence from personal records. There is no requirement that the document showing a record of age must have been in existence for any specified period except that census or voters records used to establish age must be at least 5 years old.

If there is conflict between the applicant's sworn statement and competent evidence, decision shall rest upon the facts as established by the evidence. (For exception, see Item 2 of this section.)

If the applicant's sworn statement of the birth date on the application indicates age 66 or over and the year of birth recorded in the evidence establishes age 66 or over, the month and day of birth need not be established.

In all other cases age is established as follows:

1. If evidence to establish the specific birth date is not available the applicant's sworn statement of the month and day of birth is accepted provided there is evidence which either establishes the year of birth or supports the applicant's statement of the year of birth.

   Example 1: The applicant gave his birth date as 8/19/84 when application was signed. The only available age evidence is a marriage certificate dated 4/20/10 giving age as 25. A person born in August 1884 would have been 25 in April 1910, but would have reached the 26th birthday in August 1910 (indicating 1884 as the birth year). Thus there is no conflict between the evidence and the applicant's statement that he was born in 1884 and the verified birth date is considered to be 8/19/84.

2. If the evidence indicates the birth year was earlier than shown by the applicant's statement on the signed application, the birth date shall be established by the statement on the application except if a delayed birth certificate has been secured through court action of if positive evidence such as birth or baptismal record recorded when the applicant was a child refutes the applicant's present statement of his birth date.

   Example 2: The birth date as stated on the application is 2/15/85. An insurance policy issued 4/20/20 shows age 36. This would indicate that the applicant was born prior to 2/15/85 and is older than he now claims. He would not be considered to reach his 65th birthday until 2/15/50.

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A-400 ELIGIBILITY REQUIREMENTS A-400

The fact must be established that the OAS applicant has attained or will attain the age of 65 by the time aid begins. It is not necessary to establish the exact age except when the applicant reached the age of 65 within the current year. Aid may not be granted prior to the day and month as well as the year when the age of 65 is reached. (WIC 2140, 2160)

A-403 VERIFICATION OF AGE--GENERAL A-403

Records of the age or birth date of an individual are usually made at different periods in his life and for varying purposes. In general, no one record, with the exception of a birth certificate recorded approximately at the time of the applicant's birth, or secured later through court action, can be considered conclusive evidence. The accuracy of translations of documents in a foreing language must be evaluated. It should be ascertained that the translation was made by a qualified and responsible person and that it otherwise bears evidence of authenticity. The name of the translator should be included in the case record.

The county shall reconcile any conflicts which appear in various pieces of evidence offered to establish age. In cases of conflicting evidence, a preponderance of evidence is accepted.

The decision as to age eligibility is not based alone upon the number of pieces of evidence which support or refute the applicant's contention that he has reached the required age. Rather, the relative merit of the various pieces of evidence shall be considered in order to determine which evidence has greater validity. A single document such as a baptismal certificate issued in childhood may outweigh several other pieces of evidence. On the other hand, two or three items which corroborate each other may be more conclusive than a single piece of evidence of intrinsically greater validity which is not supported by any other data. If two, or more pieces of evidence of approximately equal value conflict as to the month, day and year of birth, but one is supported by the applicant's present sworn statement of his birth date, the evidence which agrees with his statement shall be used. Often it is necessary to secure additional evidence and to evaluate this in the light of evidence already available.

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A-406 BIRTH CERTIFICATES A-406

If a birth certificate is available careful check shall be made to be sure that the name which appears on the birth certificate is the same as that on the application, or, in the case of a married woman applicant, is the same as her maiden name. If the birth certificate does not give the first name of the child other evidence is necessary to show that the record actually relates to the applicant. If there is a difference between the present name and the name on the certificate, an explanation of the discrepancy is required. The married woman applicant is asked to state her maiden name and to give the name of each spouse. When the maiden name as stated and the birth certificate agree, and when the name under which application is made is consistent with the statement regarding the name of the husband, no further proof of identity is necessary. Should there be any evidence which casts doubt on identity, proof shall be secured that the applicant is the person for whom the birth certificate was issued. Proof of identity may be a marriage license or other documentary evidence, or an affidavit of a person who has known the applicant under both names.

The original birth record in most states is filed with the State Division of Vital Statistics, with the exception of the following cities which retain the original records in their own depositories: Baltimore, Boston, New York, and the District of Columbia. The Division of Vital Statistics is a part of the State Health Department in every state except Massachusetts, where it is a part of the Department of State.

The California Bureau of Vital Statistics is located in the Department of Public Health,State Office Building, Sacramento. State recording of vital statistics began in California, July 1, 1905.

A. ORIGINAL BIRTH RECORDS.

The possibilities of verifying age from birth certificates are necessarily limited for applicants for OAS as adequate registration of births is of recent origin in the United States. For a large portion of the persons now 65 years of age, or over, there are no official birth certificates.

Nearly all European countries have long established population records. World conditions may make it impossible to procure this information at times. Local postal authorities should be consulted to ascertain if mail is being accepted for delivery to the country in question. Sweden has an unbroken series of vital statistics extending back to the year 1750. The many other European countries which have adopted in whole or part the Code Civil of Napoleon (France, Belguim, Holland, Switzerland, Spain, Italy,

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3. If the evidence indicates the birth year was later than shown by the applicant's statement on the signed application, the birth year shall be established by the evidence. The applicant's statement on his application of the month and day of birth shall be accepted unless a delayed birth certificate has been secured through court action or there is positive evidence to refute it.

Example 3: The birth date as stated on the application is 3/29/83. A marriage recorded dated 4/2/08 gives age as 23 which indicates the birth year was not later than 1885. No evidence refutes the applicant's statement that the month and day of birth was 3/29 and since the evidence establishes 1885 as the year of birth the verified birth date is considered as 3/29/85. He would not reach his 65th birthday until 3/29/50.

4. If the applicant does not know his birth date but it is possible to secure verification of his year of birth, July 1 shall be assumed to be the month and day of birth unless the evidence used to prove the year of birth indicates the month and day of birth were prior to July 1, in which case the month and day as established by the evidence shall be used.

Example 4: The applicant believes he is over 65 but does not know his birth date. A marriage license issued 10/21/09 shows age 24 and established the birth year as not later than 1885. Since the applicant claims not to know his birth date, it is assumed to be 7/1/85. (Had the marriage license showing age 24 been issued on 4/11/09, the birth date would be considered to be 4/11/85.)

All proof of age obtained by the county or information regarding age taken from documents which are returned to the applicant shall be recorded in the narrative or on Form AG 203, which shall be retained in the county record. The record shall show how any conflicts appearing in the various pieces of evidence were reconciled. Original documents such as birth or baptismal certificates or other documents of personal value to the individual should remain in his possession. (W&IC 2140, 2162)

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2. Registration of Previously Unregistered Birth Through State Registrar of Vital Statistics.

For a person born in California the person himself, or another person, may file an application for the original registration of such birth with the State Registrar of Vital Statistics or local registrar of the district in which the birth occurred. After review of the application, affidavits, and documentary evidence, the Registrar issues and files a delayed certificate of such birth. The filing fee for the application is $4.00.

3. Correction of Birth Certificates

Whenever the facts are not correctly stated in any certificate of birth and a correction is desired, an affidavit is required to be made by the person asserting that the error exists. The affidavit to be filed with the local registrar must state the changes necessary to make the record correct and be supported by the affidavit of one other person having knowledge of the facts.

Other states also have provided for delayed recording of births or correction of original birth certificates based on information in affidavits.

A delayed or corrected birth certificate issued by any state or local registrar without court action shall be evaluated as any other piece of age evidence.

C. BIRTH CERTIFICATE OF APPLICANT'S CHILD

The age of an applicant may be established by the statement of his own age on the birth certificate of his child. The age of the applicant can sometimes be established by verification of the ages of children who are sufficiently old to indicate that the applicant has passed the minimum age limit. The fact that the applicant is the parent of the child whose age has been established must be verified in such cases. (W&IC 2140, 2162, H&SC 10615 through 10620)

D. TABLES OF AVAILABLE BIRTH RECORDS

Two tables, which will be helpful in ascertaining when birth records may be available, follow. The first table gives the dates from which birth, death and marriage records are available in the counties of California. The second gives information regarding birth and death records in each state of the United States.

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Rumania) also possess vital statistics extending back beyond the average lifetime. Provisions of this code require a declaration of birth or death and provide severe penalties for non-declaration. In these countries, a person whose birth has not been legally recorded has no legal existence and can not enjoy any civil rights. Other countries where universal military service has been long established also possess unbroken vital statistics, particularly for the male population. A continental European custom of long standing has required citizens to carry with them at all times identification papers upon which age is recorded. Former immigrants from continental Europe may have in their possession papers of such character.

Those Spanish-American countries which have taken the Spanish Code as the model for their legal systems also possess fairly complete vital statistics records.

In England, the old parish records date back for several centuries; the present modern system of vital statistics registration has come into existence within the last century.

B. DELAYED BIRTH CERTIFICATES

Provision has been made in California law for securing delayed or corrected birth certificates. These methods are described as follows:

1. Proceedings to Establish Record of Birth Through Petition to Superior Court

   For a person born in California or outside of the state, the person himself, or another person, may file a petition and facts with the Superior Court for establishment of the time and place of birth. Following a hearing the court may make an order determining that the birth did in fact occur at the time and place shown by the proofs adduced at the hearing. The order of the court is made upon the form prescribed by the State Registrar of Vital Statistics, and is effective upon filing a certified copy of the form with the local registrar of vital statistics of the district in which the birth occurred (if the person was born in California) or with the local registrar of vital statistics in the district in which the petitioner resides and with the State Registrar (if the person was born outside of California). The filing fee for the petition is $3.00.

   If a birth date is established by court action, the time of birth so fixed shall thereafter for all purposes be the time of birth of such person. The court's findings shall be accepted as satisfactorily refuting any evidence to the contrary.

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TABLE I (Continued)

County	Births	Deaths	Marriages
San Francisco**	(See footnote)	(See footnote)	(See footnote)
San Joaquin***	1858-Jan. 1893	1858-Jan. 1923	Dec. 1850-
San Luis Obispo	1880-	1880-	Record of all
San Mateo	1881-	1873-	1862-
Santa Barbara	1864-	1864-	1864-
Santa Clara	1873-	1873-	1850-
Santa Cruz	1873-	1873-	1905-
Shasta	1873-	1873-	1852-
Sierra	1904-	1904-	1850-
Siskiyou	1873-	1873-	1853-
Solano	(Prior to 1905 records incomplete)	(Prior to 1905 records incomplete)	Complete
Sonoma	1858-	1873-	1846-
Stanislaus	1873-	1873-	1854-
Sutter	1905-	July 1905-	1852-
Tehama	1889-	----	----
Trinity	1894-	----	----
Tulare	1905-	1905-	----
Tuolumne	(1858-1878 (1901-	1859-1874) 1894-)	1850-
Ventura	1873-	1873-	1873-
Yolo	1878-	1878-	1850-
Yuba	1873-	1873-	1851-

** All local birth records in San Francisco to April 18, 1906, destroyed excepting July 1, 1905, to March 31, 1906, which are on file with State Registrar, Vital Statistics, Sacramento, California.

Some death records in San Francisco are available and some are missing as listed below:

Book I--Nov. 18, 1865, to Sept. 30, 1869 (Index missing).
Book II-Oct. 1, 1869, to April 30, 1878 (Index missing).
Missing--May 1, 1873, to July 31, 1894, excepting Book III (Index missing) April 1, 1882, to June 30, 1889, (Contains Coroner Cases only.)
Book "M"--(Index O.K.) Aug. 1, 1894, to June 30, 1896. Missing July 1, 1896, to March 16, 1900. (Excepting index only to Book "O". July 1, 1898, to March 16, 1900.)
Book "P"--(Index O.K.) March 17, 1900, to Oct. 22, 1901.
Book "Q"--(Index O.K.) Oct. 23, 1901, to June 30, 1903.
Book "R"--(Index O.K.) July 1, 1903, to June 30, 1904. (Index O.K.) July 1, 1904, to Nov. 30, 1904.
Missing--Dec. 1, 1904, to June 30, 1905. (Excepting index only, Dec. 1, 1904, to January 31, 1905.)

Note--All original birth and death certificates since July 1, 1905, filed monthly with State Registrar, Vital Statistics, Sacramento, California.

Marriage records in San Francisco are available only since April, 1906.

*** Health Officer has records of birth and death since Jan. 1923 in San Joaquin County.

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TABLE I. BEGINNING DATE OF BIRTH, DEATH AND MARRIAGE RECORDS IN CALIFORNIA COUNTIES

County	Births	Deaths	Marriages
Alameda	1859-1861	1859-1861	August 1853
	1873-1879	1873-1879	
	1899-1905	1899-1905	
	1919-	1919-	
Alpine	July 1905-	July 1905-	Sept. 1864
Amador	1873-	1873-	
Butte	1859-	1859-	1851
Calaveras	1905-	1905-	Earliest time
Colusa	1873-	1873-	1851-
Contra Costa	1907-	1907-	1851-
Del Norte	1873-	1873-	1905-
El Dorado*	July 1905-	Jan. 1910-	July 1905-
Fresno	1873-	1873-	1858-
Glenn	1905-	1905-	1891-
Humboldt			
Imperial	1907-	1907-	1907-
Inyo	1905-	1905-	1905-
Kern	1880-	1880-	1866-
Kings	1905-	1905-	1905-
Lake	1873-	1873-	1867-
Lassen	1908-	1908-	1870-
Los Angeles	(1875-1876	1875 -1876)	1853
	(1899-	1889-)	
Madera	1893-	1893-	1893-
Mariposa	(1873-1887	1873-1887)	
	(1906-	1906-)	----
Marin	1873-	1873-	1856-
Mendocino	1873-	1873-	1859-
Merced	1873-	1889-	1873-
Modoc	1905-	----	----
Monterey	1874-	1874-	1870-
Mono	1875-	1875-	1875-
Napa	1873-	1873-	1868-
Nevada	1872-	1873-	1856-
Orange	1889-	1889-	1889-
Placer	1873-	1873-	Dec. 1851-
Plumas	1873-	1878-	May 1854-
Riverside	July 1893-	July 1893-	July 1893-
Sacramento	1858-	1858-	1850-
San Bernardino	1854-	1854-	1854-
San Benito	1874-	1874-	1874-
San Diego	1873-	1873-	1870-

* Fire destroyed early records in El Dorado

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A-409 CHURCH RECORDS A-409

A baptismal record is acceptable proof of age.

A "Blessing Certificate" from a church of the Latter Day Saints (Mormon) is satisfactory if the necessary information is included in it.

Baptismal records have no greater value than other church records of recent date if baptism took place during adulthood.

Other church records may contain information proving the age; e.g., confirmation, membership or marriage records. Confirmation records are kept by some churches, notably the Catholic, Lutheran and Jewish. (W&IC 2140)

A-415 MARRIAGE RECORDS A-415

Information as to age on the marriage license or certificate may be acceptable evidence. While such age evidence may be accurate, there is a possibility that the age may have been understated, or, in the case of very young people, overstated.

If the record states that the applicant was "of age" at the time of marriage, and the applicant is a man, it is assumed that he had reached the age of twenty-one years, while if the applicant is a woman it is assumed that she had reached the age of eighteen years. However, the legal requirements as to majority at the time and place of the marriage should be considered. If age is recorded as "over 21," it is assumed that the age of twenty-one had been reached on the day of marriage.

Some marriage records neither give the age of the participants nor state that they were "of age," or over a certain age when the marriage took place. The possibilities of the marriage of children under the minimum age can not be ruled out entirely, but in the absence of information or circumstances which raise doubt regarding the minimum age at the time of marriage it may be assumed that the wife had reached her twelfth birthday and the husband his fourteenth birthday by the day of the marriage. (W&IC 2140)

A-418 SCHOOL RECORDS A-418

A statement of age or birth date as shown in a school record may be acceptable evidence of age. (W&IC 2140)

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TABLE II. BEGINNING DATE OF BIRTH AND DEATH RECORDS FOR EACH STATE*

Name of State	Year Deaths	Year Births
Alabama	1908	1908
Arizona	1909	1909
Arkansas	1914	1914
California	1905	1905
Colorado	1907	1907
Connecticut	1897	1897
Delaware	1881	1881
District of Columbia	1855	1871
Florida	1877	1855
Georgia	1919	1919
Idaho	1911	1911
Illinois	1916	1916
Indiana	1900	1907
Iowa	1880	1880
Kansas	1911	1911
Kentucky	1911	1911
Louisiana	1889	1870
Maine	1892	1892
Maryland	1898	1898
Massachusetts	1850	1850
Michigan	1867	1867
Minnesota	1900	1900
Mississippi	1912	1912
Missouri	1910	1910
Montana	1907	1907
Nebraska	1905	1905
Nevada	1911	1911
New Hampshire	1881	1881
New Jersey	1848	1848
New Mexico	1919	1919
New York	1880	1880
North Carolina	1914	1914
North Dakota	1908	1903
Ohio	1909	1909
Oklahoma	1917	1917
Oregon	1903	1903
Pennsylvania	1906	1906
Rhode Island	1852	1852
South Carolina	1915	1915
South Dakota	1905	1905
Tennessee	1914	1914
Texas	1903	1903
Utah	1905	1905
Vermont	1857	1857
Virginia	1912	1912
Washington	1907	1907
West Virginia	1917	1917
Wisconsin	1850	1840
Wyoming	1909	1909

* Records are on file for the entire State from the date given.

(U. S. Bureau of Census)

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An applicant who has been in military service, may have a pension record which would establish his age. If he is the child of a Civil War veteran, old military records of his father may show his age. (W&IC 2140)

A-424 OASI RECORDS A-424

The Bureau of Old Age and Survivors Insurance will, upon request, give the birth date of an applicant for or recipient of such benefits after the Bureau has verified the information according to its own requirements. (W&IC 2140)

A-427 HOMESTEAD PAPERS A-427

Age requirements for filing homestead papers have varied with the states at different periods. When information is available as to the minimum age requirement in the particular locality at the time the homestead papers were issued, these may be used to establish age of the applicant. (W&IC 2140)

A-430 IMMIGRATION AND NATURALIZATION RECORDS A-430

Records of the Immigration and Naturalization Service of the U. S. Department of Justice, which show the date of entry and the age of the applicant at that time, may be accepted. Records regarding detention, quarantine, or deportation in which age was recorded may also be available.

Usually, if the applicant is a naturalized citizen, he has in his possession his final papers, called the Certificate of Naturalization. The age as given on the papers may be considered sufficient proof. If the age is not given it may be assumed that the person was 21 on the date he received his Certificate of Naturalization. The first papers may have been issued before he was 21.

Official letters from the Immigration and Naturalization Service of the United States Department of Justice, or from the clerk of the Court in which naturalization took place, giving age as shown in their records and the date on which it was recorded are acceptable.

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A-421 MILITARY AND NAVAL RECORDS A-421

Enlistment or discharge papers of the National Guard, Army, Navy or other branches of military service may establish age. In evaluating them, consideration shall be given to possible motives for misstatement.

The U. S. Adjutant General's Office in the War Department, Washington, D. C., and the Bureau of Naval Personnel, Washington, D. C., will endeavor to reply to inquiries received when it is indicated that efforts to secure verification through other available sources have been unproductive. In all inquiries, give the full name of the individual about whom inquiry is made, state the dates of service, place of enlistment and discharge, organization and rank, date and place of birth.

Records of the U. S. Adjutant General on file in Washington, D. C., for those registered in the Selective Draft of World War I show a record of age. The ages of parents of registrants was also recorded. As all records are filed by Draft Board, the inquiry must contain the full name and address as given by the registrant, date and place of birth, permanent residence at time of registration and name of city or town where registered. All requests must be accompanied by the registrant's signed statement authorizing release of information. A fee of one dollar remitted by postal money order and made payable to the Treasurer of the U. S. must accompany the application to pay the cost of a search of draft records. This charge is a proper administrative expense for the county and is subject to federal matching.

Selective Service records under the Selective Service Acts of 1940 and 1948 are filed with the Selective Service Officers of the various states. Inquiries should be directed to the Selective Service Officer at the State Capitol in the state in which registration was made. These records contain the ages of the registrant's parents only if they were declared to be dependents of the registrant. Inquiries must give the name of the registrant, the place and date of birth, the name of the city or town where registration was made, the permanent address of the registrant as given at the time of registration, and must be accompanied by the registrant's signed statement authorizing release of information.

The State Adjutant General, State Office Building, Sacramento, has certain age data from military records on file. That office has a record of age, but not the birth date, of men claiming California residence who enlisted and served in World War I. Records containing the birth date, residence and occupation of men who enlisted in the National Guard in California both subsequent and prior to 1918, or who enlisted in California for the Spanish-American War and Mexican Boarder service are on file. Information is not available on age or citizenship of men who registered in 1918 draft but were not inducted into service. No data from naval records is on file in the State Adjutant General's Office. When requesting information, give, if known, the place of enlistment, the unit of assignment and name of commander of the unit.

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To establish proof of age by means of the printed index to the Great Registers, the applicant must be a man who was a registered voter prior to 1911 (These records show the age of the man, not the date of his birth.). As this is a time-consuming search, it should be requested only as a last resort. After the adoption of women's suffrage in 1912, a registrant was not required to give his or her age. (W&IC 2140, 2162)

A-439 POLL TAX RECEIPTS A-439

Poll tax receipts may show the age as given when the receipts were issued. The minimum age for such issuance was 21. (W&IC 2140)

A-442 COURT RECORDS A-442

The official record of a court, giving the date of the action and the age of the person for whom aid is requested as shown in the recorded proceedings may be used as proof of age. Information regarding age may appear in court records concerning wills, deeds, divorces, adoptions, commitments, guardianship, trial for a criminal offense, a dependency action regarding a child of the applicant in a Juvenile Court, etc. (See Sec. A-406B, Delayed Birth Certificates) (W&IC 2140)

A-445 FAMILY BIBLE OR GENEALOGICAL RECORDS A-445

An entry of the applicant's birth date in a family Bible or Genealogical record is acceptable evidence of age when the entry appears to be of long standing and is unchanged by erasure or correction. In evaluating the authenticity of such records, the age of the Bible, the type of script, and the condition of the ink, i.e., dim or faded, should be noted. If the page on which the entry was made has been detached from the Bible, inquiry should be made as to the circumstances of and reason for the detachment.

Should there be other evidence which refutes the age as established by an entry in the family Bible, or genealogical record, all evidence must be evaluated and a conclusion reached as to that evidence which carries superior weight.

(Section Continued on Next Page)

A-430 (Continued) A-430

The Certificate of Naturalization issued to the father of minor children may show the names and ages of the minor children also. However, this information has not always been included. (W&IC 2140)

A-433 PASSPORT RECORDS A-433

A passport issued prior to the date of application and showing the applicant's age at that time is acceptable proof of age. (W&IC 2140)

A-436 VOTER'S REGISTRATION A-436

Voters' registration records must have been made at least five years prior to the date of application, as specified in the OAS law. A statement of age as shown by the record of registration of voters in any political subdivision is acceptable. The county registrar of voters is the most used source of this information. Prior to 1912, age was given on all voters' registrations in California.

If the registration does not show the date of birth, it may be assumed that the applicant had reached the age of 21 on the day he registered, unless there is evidence, as in some pioneer communities, that persons were allowed to vote before they were 21.

Since 1867, the State Library, Sacramento, has kept a fairly complete file of printed indexes to voters' registrations throughout the State. The 1864 and 1894 San Francisco registrations are missing. The printed indexes to the Great Registers of voters in the State Library may be used to secure age information about men born in San Francisco before the fire of 1906. They may also be used where documents which would usually be available were destroyed in that fire. The index in the Library should only be used, as a rule, for San Francisco County registrants. In other counties the indexes with a few exceptions, are filed with the local county recorders. When the records are not available in the local county office, the county may consult the State Library.

(Section Continued on Next Page)

A-457 (Continued) A-457

Accuracy varies with the circumstances and care with which the institution prepares its records. Prison records are likely to be as accurate as any evidence in which the age is incidental to the purpose of the record. The California Department of Institutions keeps age records of all patients coming under its care in mental hospitals. It reports that these records are as accurate as it is possible to make them as the age statements are verified by other records and relatives' statements. (W&IC 2140)

A-460 ORGANIZATION RECORDS A-460

A lodge, fraternal order, trade union, or professional organization often has a record of the age of a member at the time of joining. Such a record would establish age of an applicant for OAS. (W&IC 2140)

A-463 EMPLOYMENT RECORDS A-463

Employment records may be used as proof of age. The difficulty most frequently found in their use arises from the tendency of middle-aged people to give their age as somewhat less than their true age in order to secure employment.

If the applicant has been employed under Civil Service, Federal, State, County, or municipal, there should be a record of his age at the time of examination or employment. (W&IC 2140)

A-466 SEAMEN'S PAPERS A-466

Identification cards are issued by the United States Customs Service, Treasury Department, to seamen. These cards contain the age, as well as other identifying data. Copies of this identifying information, including age, are kept in the files of the Customs Service. The files covering issuance of identification cards to seamen which were issued during the period of World War I, have been turned over to the United States Immigration Service, and are on file in their local offices. (W&IC 2140)

A-445 (Continued) A-445

The family Bible, or genealogical record which is offered as proof of age is not always locally available. When it is in the possession of someone other than the applicant, and can not be reviewed by the county, the person in whose possession it is may make an affidavit as to the age of the applicant, citing the record as the basis of knowledge of age. The evidence is then evaluated as a personal affidavit. (W&IC 2140, 2162)

A-448 INSURANCE POLICIES A-448

Most insurance policies show age upon the date of issuance of the policy, or state the age which will be reached upon the next birthday. Due to the care exercised in taking applications for insurance policies and the penalties attached to a misstatement, the age appearing in a policy is usually correct. There is the possibility, however, that age may have been understated rather than overstated, due to the desire of the insured to benefit by a lower premium rate. (W&IC 2140)

A-451 BANK RECORDS A-451

Some banks obtain the birth date or age along with other identifying information, when accounts are opened. Such records constitute acceptable age proof. (W&IC 2140)

A-454 SOCIAL AGENCY RECORDS A-454

The records of a private or public social agency, made before the application for aid, and which show the birth date or age as given at that time may establish age. (W&IC 2140)

A-457 INSTITUTION RECORDS A-457

Records of public or private institutions or hospitals where the applicant has been confined at some previous time usually show age and date of admission.

(Section Continued on Next Page)

A-475 NEWSPAPER RECORDS A-475

Old newspapers may contain information which establishes the age of an applicant. For instance, in a case where official documentary proof could not be found, there might be a newspaper item regarding a birth or marriage of the applicant, or of the death of a relative, giving the names and ages of the survivors, or some other facts relating to the applicant.

In some cases, early newspapers contain notices of births or marriages which establish age. Although the State Library has no file of either age or marriage records they can sometimes secure the information from these early newspaper files. This is a time-consuming search and should only be requested as a last resort.

A newspaper clipping may be accepted as age evidence when the birth date or age of the applicant is mentioned and provided the date the item was published or the news event occurred is included in the content. (W&IC 2140)

A-478 PHYSICIANS' RECORDS A-478

Physicians usually keep a record of the age of a patient and the date on which the age was recorded. However, a physician's statement of age based upon the applicant's personal appearance is not acceptable. (W&IC 2140)

A-481 INDIAN AGENCY RECORDS A-481

An Act of Congress on May 18, 1928, provided for the enrollment of all Indians. The Indian's age was determined by attorneys who required the Indian's sworn statement of his age supported by affidavits of two persons, generally white citizens who had known the Indian for a long time. The Indians enrolled themselves or were enrolled by their parents or children. The tendency was to show Indians as younger than they were. Inasmuch as no records of birth were kept by the older Indians, the attorneys in charge made it a practice to inform themselves of well known events in the various communities and to determine probably age by various individual recollections on these points. Despite its inaccuracies, this enrollment is the most valuable source of Indian age records in California. It may be refuted by other strong evidence supporting a different age than that shown in the enrollment record.

(Section Continued on Next Page)

A-469 LICENSES A-469

In some occupations a license is required for performance of the work, e.g., chauffeurs, barbers, cosmetologists, contractors, etc. The age as given at the time the license was issued may be used as proof of age. As in the case of employment records, difficulty sometimes arises because middle-aged persons give their age as less than their true age in order to receive more favorable consideration for employment.

In California, hunting licenses have been required since 1907, and fishing licenses since 1914. The application for either type of license shows age on the date of application. The Division of Fish and Game does not verify the statement of age of each applicant for a license.

A Motor Vehicle Operator's License issued in California, or another state, which shows the date the license was issued and the age as given at that time, may be used as evidence. The actual license for persons currently licensed to operate motor vehicles should be seen by the worker. In other cases, an official letter from the proper authority giving the date on which a license was issued and the age as given thereon is satisfactory. Requests for age evidence should be made to the California Department of Motor Vehicles only if other sources have been unproductive.

Some motor vehicle operators have requested the California Department of Motor Vehicles to correct the age record on file for them. Such a change is made only upon receipt of the operator's signed affidavit that the requested change is correct. The operator is provided with a photostatic copy of his original license, on which is shown both the original and the corrected age information. The notation "corrected" appears in the upper left hand corner.

A corrected operator's license should be evaluated as any other piece of evidence which shows erasure or change. (W&IC 2140)

A-472 LOCAL HISTORIES A-472

A published or written history of a state, county or town which mentions the applicant in such a way as to establish his birth date or age may serve as evidence of age. (W&IC 2140)

A-484 AFFIDAVITS OF INDIVIDUALS A-484

Age may be established by means of a personal affidavit when it is made by a reputable person and is based upon his personal knowledge of facts which would determine the probable age of the applicant. The affidavit itself must contain a statement of the circumstances upon which the affiant's knowledge is based. An affidavit setting forth the age of an applicant which is based only upon his personal appearance is not satisfactory.

Caution and careful judgment must be exercised in evaluating the specific facts contained in the affidavit purporting to establish age. Affidavits signed by sisters or brothers should include a comparison of respective ages or other facts from which age is determined. The mere fact that the affiant is a brother or sister is not in itself adequate. (W&IC 2140, 2162)

A-487 CENSUS RECORDS A-487

The OAS law provides that census records used to establish age must have been taken at least five years prior to the date of application.

A census report should be requested only when other satisfactory evidence is not available, and then only on the form recommended by the U. S. Bureau of Census. The form should be completed by the applicant or by someone who will exercise great care in securing accurate information from him and must bear the signature of the applicant. In filling out the form on which requests for information are made, it is important to give the exact address, including number, street name or names of cross streets between which house was located, precinct, post office, township, town, city, county or other local subdivision, and all spellings of the name or names involved. If living with parents at the time the census was taken, the names of the parents should be shown, and if living with other than parents, the head of the household should be shown.

A fee of $1.00 shall accompany each request for a search of the census records. Requests for a search are handled in the order that the requests are received and there will be a delay of several weeks. An immediate search is made if the request is accompanied by a fee of $3.00 which covers the cost of a special search. The fee for a search of the census records is a proper administrative expense, subject to Federal

(Section Continued on Next Page)

A-481 (Continued) A-481

Records of all Indians included in the enrollment in California are on file in the office of the Superintendent of the Sacramento Indian Agency, Federal Building, Sacramento, California. It may be used if better evidence is not available.

The Superintendent of the Hoopa Valley Agency has census records as of 1898 and 1904 which are available for areas covered by this agency.

Most large reservations outside of California possess tribal rolls of long standing and regular, careful entry. Evidence from such records is accurate within reasonable limitations.

Additional information may be found in the allotment records which often show age. In petitioning for an allotment, generally before 1910, the Indian gave his age (probably an approximate age as the information was incidental to the purpose of the petition). Allotment records are filed in each of the Indian agencies in California.

The Indian Agencies in California follow: Hoopa Valley Agency, Eureka, California. This includes the following counties: Del Norte, Humboldt, Siskiyou and Trinity.

Sacramento Agency: Sacramento California. This includes 44 counties extending from Modoc in the North to Santa Barbara in the South. These counties are: Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, El Dorado, Fresno, Glenn, Kern, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Tuolumne, Yolo and Yuba.

Carson Nevada Agency: Stewart, Nevada. This includes the following California counties: Alpine, Mono, Inyo.

Mission Agency: Riverside, California. This includes the following counties: Imperial, Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, and Ventura, except that a small portion of the eastern end of San Bernardino and Imperial counties is not under the Mission Agency, but under the Colorado River Agency. (W&IC 2140)

Bureau of the Census
Department of Commerce
Washington, D. C.

Applicant for a search of Census records must fill in this form as completely as possible. Also it must be SIGNED IN PERSON by the applicant.

C O P Y

DO NOT USE THIS SPACE

Not Fd.	80	00	10	20	30	40
Ins. Inf. No.						

Date _____

Gentlemen: You are hereby authorized to furnish the information on census records concerning me to:

Name in full of applicant (print or type) _____ Race _____

Maiden name _____ Date of Birth _____ Place _____
(If a woman)

Full name of father _____ Mother _____

Name of husband or wife (1) _____ (2) _____

GIVE EXACT PLACE OF RESIDENCE AT EACH DATE LISTED BELOW:

CENSUS DATE	Number and Street (very important)	City, town, township (precinct, beat, etc.)	County and State	With whom living (Name, head of household)
June 1, 1880--				
June 1, 1900--				
Apr. 15, 1910--				
Jan. 1, 1920--				
Apr. 1, 1930--				
Apr. 1, 1940--				

SCHEDULE OF FEES

A money order for $1.00 payable to the Treasurer of the United States must be sent with this application. This fee provides for routine handling of the requested search. If special handling is desired a money order for $3.00 must be sent instead of $1.00. This provides for prompt attention to the search out of the regular order of receipt.

Reason for requesting this information

I certify that I have been unable to get this information from State or local records.

Signature of applicant _____

Present address (number and street) _____

City _____ County _____ State _____

Note: The 1890 schedules were destroyed by fire.

A-487 (Continued) A-487

matching, to be borne by the county. A money order drawn on Washington, D. C., and made payable to the Treasurer of the U. S. shall be sent to the Census Bureau with the request. These fees cannot be refunded if the information is not located.

Statements of individuals are the basis of census records. These are not made under oath and frequently are made by other than the person enumerated. When the information in the census record appears to have been given by the applicant, or by his parent, and the record establishes that the age of 65 has not been reached, this information can be refuted only by evidence to the contrary. If it is clear from the census that the age information was given by other than the applicant or his parent, a reasonable explanation for the variance may be accepted. The county should give greatest weight to the evidence that appears to be most accurate. Corresponding evaluation and judgment is necessary if the preponderance of evidence indicates a younger age, whereas the census record establishes that the age of 65 has been reached.

The first United States census was taken in 1790 and has been repeated at ten-year intervals since that date. Records from 1790 to 1870 are open to the public. Records from 1900 on are confidential and are available only to the individuals concerned, their legally appointed guardians, or to agencies or persons authorized by the individuals concerned to secure the information from the Census Bureau. The records vary in form and adequacy. All of the schedules, except that of 1900, are arranged by the year, the State, the geographical subdivision, and the exact address. They are not arranged alphabetically. Therefore, in order to secure evidence of age from the census of any year, except 1900, it is necessary to have the exact address of the applicant at the date the census was taken.

The Censuses of 1880, 1900 and 1920 are indexed by states. Complete information from these three censuses should be given special attention in filling out the application. Other files which are most nearly complete and adequate are those of 1870 and 1910, in the order given. The schedules for the year 1890 were damaged by fire and are not available for use.

Records which show the names and the ages of all members of the family are:

June 1, 1850	June 1, 1880	January 1, 1920
June 1, 1860	June 1, 1900	April 1, 1930
June 1, 1870	April 15, 1910	

A search will be made of the 1900 schedule whenever possible as the information will be most readily available for that year. Data for other census dates should be included, however, as certain facts may have to be corroborated.

(WAIC 2140, 2162)

A-505 (Continued) A-505

A person confined in a correctional institution, under court commitment because of mental illness, held under extradition proceedings, on parole, or otherwise legally deprived of freedom of movement, is not capable of applying the requisite intent necessary to establish an independent residence. His residence, therefore, does not change under confinement, commitment, etc. (Government Code 244, W&IC 2140)

A-510 LENGTH OF RESIDENCE A-510

Residence in California begins when voluntary physical presence coincides with intent to remain. Voluntary physical presence in this state for a considerable length of time is indicative of intent to remain here. In the absence of evidence to the contrary, residence shall be deemed to have begun on the date of arrival.

The following subsequent periods are included when computing length of residence:

1. Periods of voluntary physical presence with intent to reside here.

2. Periods of absence for certain specific or temporary purposes, with intent to return to California.

3. Periods of incarceration in public custodial or correctional institutions in or out of the state, when California was the residence at time of incarceration.

4. Periods of parole from a state or federal institution when California was the residence at time of admission to the institution.

(W&IC 2140)

A-500 ELIGIBILITY REQUIREMENTS A-500

An applicant for Old Age Security must have been a resident of this state for at least five years within the nine years immediately preceding the date of application. One of the required five years of residence must be the one year immediately preceding the date of application. (W&IC 2160)

A-505 DEFINITION OF RESIDENCE A-505

Residence in California is defined as the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which one returns in seasons of repose. The following concepts shall be taken into consideration in determining the place of residence.

1. There can be only one residence.

2. Residence is established by union of act and intent; i.e., an individual who moves to California with intent to remain here, establishes California residence immediately upon his arrival in California.

3. Length of residence is acquired when residence, once established, remains unchanged by a subsequent union of act and intent; i.e., an individual who established California residence on 2/15/46 acquired 5 years California residence on 2/15/51 if he did not abandon California residence during that period.

4. Residence can be changed only by union of act and intent. Residence once established continues until the individual abandons that residence by establishing residence elsewhere. An intent to move to another place at some time in the future does not affect residence already established until such time as the intent is accompanied by actual removal to that place.

A person shall be considered to have residence at the place where he is living, if he is found to be living there voluntarily and not for a temporary purpose.

(Section Continued on Next Page)

State of California Department of Social Welfare

Case Name _____

County No. _____ State No. _____

AFFIDAVIT REGARDING RESIDENCE OF APPLICANT

OLD AGE SECURITY

Section 118a of the Penal Code, 1937:

118a. False Affidavits as to Affiant's Testimony

Any person who, in any affidavit * * * swears, affirms, declares, deposes, or certifies * * * as true any material matter which he knows to be false, is guilty of perjury.

This Is To Certify, That I, _____,

living at _____ (Street and Number), _____ (City), County of _____,

State of California, have known _____ (Name of Applicant), an applicant for Old Age Security, for _____ years and know that he/she has resided in California continuously for _____ years from the year _____ to the year _____ and in the County of _____ for _____ (Length of Time) immediately preceding the date of this affidavit. I have personal knowledge of the applicant's residence for the following reasons:

_____

_____

(Signature of Affiant) _____

Subscribed and sworn to before me this _____ day of _____ 19_____.

Name _____ Title _____
Signature of County Clerk or Person
Qualified to Acknowledge an Affidavit

Section 6105, Government Code, provides: "Whenever an oath or affidavit is necessary in order that a person may obtain charity or relief from any agency or department of the United States, the State, or any political subdivision thereof, no fee shall be charged for the taking of the oath."

Form Ag 221--Rev. Sept. 1950

A-512 VERIFICATION OF LENGTH OF RESIDENCE A-512

An affidavit completed by a person having knowledge of the applicant's residence is one method of establishing the required period of state and county residence. The affidavit shall include a statement of the facts upon which the affiant based his knowledge of the period of the applicant's residence to which he certified. To be acceptable as proof of evidence the facts should be such as to give reasonable basis for concluding that the affiant could have had knowledge of the period of residence covered in the affidavit. When one affidavit is not sufficient to verify the applicant's residence for the entire period required, additional affidavits or other proof shall be obtained until evidence for the required period is on file. Form Ag 221, Affidavit Regarding Residence of Applicant, provides the minimum of information to be secured.

Evidence other than an affidavit may be used as proof that the required period of residence has been met. This is needed when other information conflicts with that given on an affidavit. Other types of evidence which may be useful include:

1. Rent or receipts or accounts covering a continuous period.
2. Social agency records.
3. Physician's records when the applicant has been seen frequently.
4. Mail addressed to the applicant.
5. Lodge or club records.

When an applicant has given information regarding his residence in connection with the completion of a record, and the period of residence was merely incidental to the purpose of the document or record, there is no reason for a misstatement regarding the period of residence. In general such records are superior to those in which some advantage would have resulted from a misstatement of residence. Statements made under oath by the applicant regarding his residence evince his intent and carry a presumption, which may be refuted, that the residence requirement for the particular action was met; e.g., voter's registration and records of legal action requiring a period of residence.

Some types of evidence are indicative of the applicant's residence but may not in themselves establish that the residence requirements have been met. When two or three items corroborate each other, however, they may satisfactorily establish the required residence of the applicant. (W&IC 2140)

(Section Continued on Next Page)

A-520 (Continued) A-520

The claim of an applicant that California residence was retained during periods of absence must be supported. The applicant's statement that California residence was retained is supported by various facts including:

1. Maintenance of a home in this state;

2. Storage of possessions in this state;

3. Casting absentee voter's ballot in election in this state;

4. Return to state immediately upon termination of cause of absence;

5. Return to state during seasons of repose;

6. Expression of intent to return, made verbally or in correspondence prior to or during absence, to relatives, neighbors, friends, church or lodge officials, etc.;

7. Purchase of round-trip ticket at time of departure;

8. Securing non resident hunting, fishing or automobile permit in other state.

The fact that employment occasioned a person's absence would not preclude the possibility that a different residence was established by act and intent. Such a change might be evidenced by registration as a voting citizen of another political subdivision or by other overt act indicating intent to remain for an indefinite period out of the state. Should investigation reveal that a person established a residence in another state, his California residence would be lost regardless of the length of absence.

If such a period of absence with intent to establish residence in another state occurred within the year prior to application it is necessary for the applicant to re-establish residence in this state by union of act and intent and to complete one year of residence before aid may be granted. (Gov't C. 244, W&IC 2140)

A-515 RESIDENCE OF MARRIED WOMEN A-515

Under the general laws, the residence of a married woman is the same as that of her husband as long as they are living together. The wife does not acquire her husband's prior length of residence and she must personally meet the requirements as to length of residence set forth in Sec. A-510 in order to qualify for Old Age Security. Likewise, a woman who is a resident of California loses her California residence immediately upon marriage to a non resident and thus becomes ineligible for Old Age Security.

Under the Old Age Security law a woman living separate and apart from her husband may establish her own residence by union of act and intent and may accumulate length of residence regardless of the whereabouts of her husband.

The residence of a woman who has established separate residence during her husband's confinement in an institution follows the residence of the husband upon his parole or release unless she continues to live separate and apart from the husband. (W&IC 2140, 2161, PC 52)

A-520 EFFECT OF ABSENCE FROM THE STATE PRIOR TO APPLICATION A-520

Absence from the state for certain specific purposes, or for a temporary period only, with intent to return to California, does not interrupt residence already acquired in this state. Such periods are included when computing length of state residence. A period of absence may have occurred in the year immediately prior to date of application. If there was no intent to establish residence elsewhere during such absence residence was not changed and the applicant would be eligible to aid immediately upon physical return to the state, if otherwise qualified. Such absences might be occasioned by visiting, traveling for pleasure, or employment. Government employees, military personnel, traveling salesmen, merchant seamen, circus or theatrical workers, migratory agricultural workers, construction workers, or others whose employment entails travel, do not lose California residence solely because of their absence for such purpose.

(Section Continued on Next Page)

A-535 RESIDENCE OF INCOMPETENTS A-535

Incompetency is a finding of a court and is not a factor in determining residence, unless (1) a guardian of the person has been appointed or (2) the person has been found incompetent under the provisions of Sec. 5076 of the W&I Code.

Such a person retains the place of residence which he had at the time letters of guardianship were issued or commitment was made. Residence may be changed only by the union of the guardian's intent and some act in relation to the ward such as his removal to another place. Unless the guardian changes the residence of his ward, the residence previously established by the ward continues to accumulate during the period of guardianship or commitment. (W&IC 2140, Prob. C 1460)

A-540 COUNTY RESIDENCE A-540

A period of county residence prior to date of application is not a requirement for eligibility to OAS. However, length of residence in the county of application determines whether the county participates in the grant. (See Secs. A-550 Non-County Residence, A-216, Right to Make an Application and A-268, Change of County Residence Prior to Granting of Aid.)

Applicants for or recipients of aid shall have the same freedom of movement and choice of residence accorded other residents of California. The county should inform applicants for or recipients of aid of their responsibility to give the county immediate notification of any change in residence in order that necessary administrative action can be taken to continue aid without interruption so long as eligibility continues. (W&IC 2140, 2160, 2200)

A-545 COUNTY RESIDENCE WHILE IN PRIVATE INSTITUTION A-545

A person living in a home or institution maintained by any fraternal, benevolent or other non-profit institution retains the county residence he had at the time he entered the institution. Such residence continues so long as he remains in the institution. It can be changed only if the person leaves the institution and establishes residence in a county other than the county of residence at the time of admission to the institution.

(Section Continued on Next Page)

A-525 EFFECT OF DEPENDENCY ON RESIDENCE A-525

Dependency or receipt of aid or relief through any county in this state is an irrelevant factor in determining residence for purpose of OAS.

Assistance shall not be denied an applicant solely because he received aid or relief from another state or one of its political subdivisions while physically present in this state. When residence in another state or its subdivision is a condition to the granting or continuance of aid or relief, this may be considered as evidence indicating an intent to retain residence in that state. Such evidence may be refuted by other evidence indicating an intent to establish residence in this state. In cases of conflicting evidence, a preponderance of evidence is accepted. (W&IC 2140)

A-530 RESIDENCE ON LAND LEASED OR OWNED BY THE U. S. A-530

A person living on land leased by U. S. Agencies from the state, its political subdivisions, or individuals, may acquire state and county residence by union of act and intent.

A person living on land owned by the U. S. may acquire state and county residence if the land is subject to some local jurisdiction. Such lands include Indian reservations and housing projects constructed by the Federal Works Agency and the U. S. Housing Authority.

A person living on land owned by the U. S. and under its exclusive jurisdiction does not acquire state or county residence, but retains the place of residence he had prior to entering upon such lands. Likewise, he continues to accumulate length of residence there. Examples of land under the exclusive jurisdiction of the U. S. are military reservations and federal prisons such as Alcatraz.

The extent of federal jurisdiction shall be determined by an examination of the manner in which the property was acquired by the U. S., the specific state and federal statutes by which it was acquired, and the statutes authorizing maintenance. A conclusion that exclusive jurisdiction is vested in the U. S. shall not be reached in the absence of an expressed statutory provision or law. (W&IC 2140; AGO NS 4278)

State of California Department of Social Welfare

County _____

Case Name _____

County No. _____

State No. _____

APPLICANT'S AFFIDAVIT OF INTENT AS TO RESIDENCE

(For use of applicant who is making application under Section 2160-d or Sections 3042 and 3432 of the Welfare and Institutions Code)

THIS IS TO CERTIFY, THAT I, _____, moved to the County of _____, State of California on _____. During the three year period before moving to this county I lived in the following counties:

COUNTY	FROM (Date)	TO (Date)	REASON FOR CHANGE

I moved to this county for the following reason:

_____

_____

I decided to make my residence in this county on _____.
Date

NOTE:--When the applicant can not sign his name, the signatures of two witnesses to his mark must appear.

_____
Signature or Mark of Applicant

_____
Witness to Mark

_____
Witness to Mark

Subscribed and sworn to before me this _____ day of _____ 19_____

Name _____ Title _____
Signature of person authorized to acknowledge an affidavit

This form or a certified copy thereof shall be submitted to the State Department of Social Welfare with the application for noncounty aid.

Section 6105, Government Code, provides: "Whenever an oath or affidavit is necessary in order that a person may obtain charity or relief from any agency or department of the United States, the State, or any political subdivision thereof, no fee shall be charged for the taking of the oath."

Form AB 204--Rev. March, 1950

A-545 (Continued) A-545

A person who leaves his county of residence for such an institution and makes a temporary stop-over in another county because of illness, business, for a visit, or other reason, without intent to remain, does not alter his residence status. However, if such a stop-over involves a change of intent, the applicant later deciding to enter the institution, the county of residence is the last county in which there was intent to establish residence.

A person who comes from another state directly to such an institution and who enters with intent to remain there, establishes state residence on the day he enters this state and county residence the day he enters the county in which the institution is located. (W&IC 2140, 2160.5)

A-550 NON-COUNTY RESIDENCE A-550

A person who has not acquired one year of residence in the county in which he resides shall be granted aid if otherwise eligible. The county will be reimbursed in full by the state until the first of the month following that month in which the required one year period of county residence has been completed. If the change of residence occurred on the first day of the month full state reimbursement ceases one year from that date.

Eligibility of non-county applicants shall be determined in exactly the same manner as those in which the county participates in the payment of aid. In addition, the applicant shall complete Applicant's Affidavit of Intent as to Residence (Form AB 204) on which he:

1. Certifies to the date he came to the county.

2. Certifies to the date on which by intent he established residence in the county.

3. Reports as accurately as possible his whereabouts for the three years immediately preceding the date of application and the reason for each removal. (In some instances it may be necessary to secure a longer history of the applicant's residence.)

If there is evidence that the applicant formerly had residence in the county of application there must be verification that such residence was lost; otherwise, county participation in the grant is necessary. (W&IC 2140, 2160d)

(Section Continued on Next Page)

A-560 (Continued) A-560

If such a former recipient returns to a county other than that of residence and makes application for aid his application shall be accepted by the second county. That county shall make the necessary investigation and shall grant aid if the facts establish that California residence was retained during absence and eligibility otherwise exists. Certified copies of evidence on eligibility not related to need, such as age and citizenship, may be obtained from the county previously granting aid. Aid in the amount to which the applicant is eligible shall be granted on a non county basis if the applicant has not acquired one year of residence in the county. (See Sec. A-550, Non County Residence.)

A former recipient who has lost California residence assumes the status of a new applicant insofar as residence requirements apply. (See Sec. A-500, Eligibility Requirements and Sec. A-216, Right to Make an Application.) (W&IC 2140, 2160)

A-570 DISPUTE REGARDING RESPONSIBILITY FOR AN APPLICANT A-570

When a dispute arises between two counties regarding that county which is responsible for the support of an individual, either county may submit the dispute to the SDSW. The SDSW shall weigh the evidence presented and fix responsibility for support.

When a county wishes to refer to the SDSW a dispute with another county as to responsibility for payment of aid, Form DPA 6, Appeal as to Responsibility for Support, signed by the chairman of the board of supervisors, shall be submitted in triplicate to the SDSW. Additional data shall be submitted to the SDSW with Form DPA 6 and should include information as to the counties in which the applicant has resided with the dates of such residence, and a statement of the points on which there is disagreement.

(Section Continued on Next Page)

A-555 CONTINUATION OF AID WHILE RECIPIENT IS ABSENT FROM STATE OR COUNTY A-555

Aid shall be continued to a recipient who leaves the state for a temporary period provided there is intent to retain California residence during such absence and the person remains otherwise eligible. (For discussion of evidence supporting the retention of California residence see Sec. A-520, Effect of Absence From the State Prior to Application.) Likewise aid shall continue to be paid to a recipient who goes to another county within the state for a temporary period provided need continues. (If a recipient moves to another county and by union of act and intent establishes residence there, see Inter-County Transfers, Chapter XIV.)

A recipient who goes out of the state or to another county for a temporary period without intent to change his residence shall be required to inform the county of residence every two months regarding his living plan and his intent as to residence. He shall also be required to report any changes in his income, need, or financial circumstances. If there is prolonged absence, the county may request the welfare agency in the community to interview the recipient regarding his intent as to residence and for assurance that need continues. If reinvestigation falls due during temporary absence such reinvestigation shall be made. (See Sec. A-384, Reinvestigations During Absence from the State or County.)

A recipient who moves to another state or out of the U. S. with the intention of establishing residence there loses California residence immediately. Even though he may intend to return to California at some future date, if his intention is to remain and make his present residence elsewhere for an indefinite period, California residence is lost when by act and intent he establishes residence elsewhere. Aid shall be discontinued as of the last day of the month of departure, or of the month in which California residence is lost by coincidence of act and intent. (W&IC 2140, 2160)

A-560 RETURN FROM OUT OF STATE AFTER AID DISCONTINUED A-560

Upon physical return to the state, aid may be granted immediately to a former recipient whose aid was discontinued for cause during absence from the state, provided California residence was retained during such absence and eligibility exists. The fact that residence was retained and that the former recipient is otherwise eligible shall be verified.

(Section Continued on Next Page)

Form DPA 6 - June, 1943
State of California
Department of Social Welfare

STATE DEPARTMENT OF SOCIAL WELFARE

Appeal as to Responsibility for Support.

_____)
)
vs)
County of _____ County of _____)
)
_____)

APPEAL TO THE
STATE DEPARTMENT
OF SOCIAL WELFARE

IT APPEARING that the responsibility for the support of _____

_____

_____

is in dispute between the County of _____

and the County of _____, the Board of Supervisors

of the said County of _____, in conformity with the

provisions of Section 1528, 2143, 3092, 3463 of the Welfare and Institutions Code,
(Circle the applicable section)

State of California, hereby submits said dispute to the State Department of Social Welfare for decision.

Attached to this appeal is the summary of facts upon which this appeal is based.

Approved this _____ day of _____, 19____.

Board of Supervisors of the County

of _____

By _____
Chairman of Board of Supervisors

A-570 (Continued) A-570

Upon receipt of the appeal, the SDSW sends a copy of Form DPA 6 to the chairman of the board of supervisors and county welfare director in the other interested county or counties and requests a report from them. If no reply is received from the other county or counties within 30 days, the SDSW renders its decision on the basis of the facts known to it.

When no conflict is revealed in the facts reported by the counties, such facts are presumed to be correct. When a conflict exists, the SDSW draws this to the attention of the counties concerned and requests an additional investigation and report. As a general rule, the SDSW does not make an investigation or interview the person concerned but renders its decision upon the basis of the facts presented by the counties. The decision of the SDSW may be appealed to the SSWB.

In an appeal to the SSWB the decision of the SDSW is presented and the counties submit their contentions by letter, brief, or verbal argument at the time of hearing. (W&IC 2140, 2143)

(Section Continued on Next Page)

A-620 ACQUISITION OF CITIZENSHIP BY NATIVE BIRTH A-620

A. BY BIRTH IN THE U. S.

All persons born in the U. S. and subject to its jurisdiction are citizens of the U. S. This is true even though the parents of such persons may be ineligible for citizenship.

The Fourteenth Amendment to the Constitution, adopted in 1863, granted citizenship to all former negro slaves born in the U. S., but did not bestow citizenship upon former slaves who were born elsewhere.

American-born Indians have been citizens since June 2, 1924. Both ward and non-ward Indians are citizens. The fact that they live on a reservation does not affect their citizenship.

A child born at sea of parents who are citizens is a citizen. A child born to alien parents on any merchant ship (American or foreign) in the territorial waters of the U. S. acquires citizenship by birth. A child born at sea of alien parents on any merchant ship (American or foreign) usually takes the citizenship of the father.

A person born in an outlying possession of the U. S. of parents, one of whom is a citizen of the U. S. who resided in the U. S. or one of its outlying possessions prior to the birth of the child, is a citizen.

A child or unknown parentage found in the U. S. is a citizen until shown not to have been born in the U. S.

B. BY BIRTH OUTSIDE THE U. S.

Persons born out of the limits and jurisdiction of the U. S. prior to May 24, 1934, whose fathers were, at the time of the children's birth, citizens of the U. S., are citizens of the U. S., provided the fathers had resided in the U. S. prior to the birth of the children.

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A-600 ELIGIBILITY REQUIREMENTS A-600

A person shall be a citizen of the United States to be eligible for OAS. (W&IC 2160)

A-605 DEFINITION OF CITIZENSHIP A-605

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. (U.S. Immigration and Naturalization Service)

A-610 MEANS OF GAINING CITIZENSHIP A-610

Citizenship is acquired by birth, by naturalization (either individual or collective), or by derivation (either through marriage or through parents). (U. S. Immigration and Naturalization Service)

A-615 VERIFICATION OF CITIZENSHIP--GENERAL A-615

If citizenship is doubtful and a determination cannot be made on the basis of available information, the facts may be presented to the district office or the nearest branch office of the Department of Justice, Immigration and Naturalization Service, for advice regarding the citizenship status of the person. District offices are located in San Francisco and Los Angeles. Branch offices are located in Bakersfield, Fresno, Oakland, Sacramento, Salinas, San Bernardino, San Luis Obispo, San Pedro, Santa Ana, Stockton, Ventura and San Diego.

In order to avoid delay, the following dates concerning the applicant (and his parents, if relevant) should be submitted with the other pertinent facts; birth, entry into U. S., marriage, death of spouse, and divorce. (W&IC 2160)

A-625 (Continued) A-625

If proof of native birth is required, any of the sources listed in Sections A-406 through A-484 in Chapter IV, Age, are useful since place of birth is often mentioned along with a statement as to birth date or age. (W&IC 2140)

A-630 DEFINITION OF NATURALIZATION A-630

Naturalization is the admission of a foreign subject or citizen into the political body of a nation and the bestowal upon him of the quality of a citizen.

Naturalization may be either individual or collective. It is individual as a result of formal application and grant, or, in some cases, as a consequence of marriage, the naturalization of a parent or special legislative action.

In certain cases, citizenship has been bestowed upon a group of individuals by act of Congress. Collective naturalization may occur as a result of annexation, admission to statehood, territorial cession by treaty and statutory enactment. (U. S. Immigration and Naturalization Service)

A-635 LIMITATIONS OF NATURALIZATION A-635

A. RACIAL

Naturalization is limited to free white persons, persons of African, Chinese or Filipino nativity or descent, decendants of races indigenous to the Western Hemisphere, persons of races indigenous to India, and persons who possess singly or in combination a preponderance or as much as one half blood of the groups specified. According to judicial interpretation, the following have been declared not to be free white persons: Japanese, Burmese and Koreans.

A small number of persons racially ineligible were naturalized under war-time legislation of World Wars I and II.

(Section Continued on Next Page)

A-620 (Continued) A-620

Children who were born abroad of American parents and who continue to reside outside the U. S., retain the protection of the government by registering at an American Consulate, and on reaching the age of eighteen years must declare their intention to become residents and remain citizens of the U. S. Failure to comply with this act of 1907 does not deprive an American citizen of his citizenship as it relates to the maintenance of the right to protection, rather than to the maintenance of American citizenship itself.

C. EXCEPTIONS

Persons born within the U. S. who are the children of foreign sovereigns or diplomatic officers and children born of enemies in hostile occupation are not subject to the jurisdiction of the U. S., and, therefore, do not acquire citizenship by birth in this country.

Children of consular officials who are born in the U. S. are citizens, as consuls are held to be commercial rather than diplomatic officers.

A child born of alien parents on a foreign public ship within the territorial waters of the U. S. does not acquire citizenship by birth. (U. S. Immigration and Naturalization Service)

A-625 VERIFICATION OF CITIZENSHIP BY NATIVE BIRTH A-625

The applicant's sworn statement on the application that he was born in the U. S., is adequate proof of citizenship unless investigation reveals a discrepancy, in which case proof of native birth is required. In general, documentary evidence based on information given by the individual, e.g., in a marriage record, or by his parents, e.g., in a birth or baptismal certificate, is of greater value than evidence based upon information given by another.

The statement of a native-born woman married between March 2, 1907, and September 21, 1922, inclusive, that her husband was native-born, requires no verification unless the investigation reveals information which raises a question regarding citizenship status of the husband. Under these circumstances, proof of the husband's native birth is required.

(Section Continued on Next Page)

A-635 (Continued) A-635

Prior to September 27, 1906, many aliens were admitted to citizenship who could not speak the English language. The fact that an applicant for Old Age Security is unable to speak or understand English in no way disproves the validity of the certificate of naturalization which may have been issued to him.

The federal law does not require that applicants for citizenship be able to read and write the English language, except that all petitioners physically able must sign their petitions for citizenship.

D. OTHER

An alien from a country neutral during World War II who filed a declaration of intention to become a citizen and withdrew it in order to avoid the draft during the World War is debarred from becoming a citizen of the U. S.

Aliens convicted of desertion from the military and naval services of the U. S. are not allowed to become citizens of the U. S.

Aliens who are subjects of a country with which the U. S. is at war may not be naturalized so long as they are enemy aliens (except those declared by presidential order to be exempt from classification as enemy aliens). (U. S. Immigration and Naturalization Service)

A-640 PROCESS OF INDIVIDUAL NATURALIZATION A-640

A. USUAL PROCESS

Certain courts, specified by Congress, are allowed to grant naturalization certificates.

Three distinct steps are required to complete the naturalization process and secure a certificate of naturalization. These are:

1. Filing the declaration of intention (first paper);
2. Filing the petition (second paper);
3. Hearing on the petition in open court resulting in the granting of the certificate of citizenship (final paper).

(Section Continued on Next Page)

A-635 (Continued) A-635

B. RESIDENCE

An applicant for citizenship must have resided continuously within the U. S. for at least five years before he can receive his certificate of naturalization. Certificates of naturalization were sometimes issued many years ago to persons who had not been in this country for that period. The government does not seek to have such action canceled without some special reason. Therefore, if a person has been granted a certificate of naturalization, his citizenship should not be questioned.

Five years' residence is not required in certain exceptional cases. These include (1) certain persons in military and naval services of the U. S., notably Filipinos, who served in the U. S. Navy, Marine Corps, Naval Auxiliary Service or Philippine Constabulary; (2) any alien or Puerto Rican who served in the U. S. Army, Navy, Marine Corps, Coast Guard, vessel of U. S. Government or public or private merchant or fishing vessel (not a foreign vessel); (3) aliens and Indians who served in the military and naval forces of the U. S. during either World War; (4) certain persons who lost U. S. citizenship by naturalization in a foreign country; (5) an alien married to an American citizen after September 22, 1922, and before May 24, 1934; (6) an American woman who lost citizenship by marriage to an alien.

An alien married after May 24, 1934, and before January 13, 1941, to a citizen of the U. S. or an alien whose husband or wife is naturalized after that date, may be naturalized after three instead of five years' residence. On and after January 13, 1941, the person shall have resided continuously in the U. S. for two years immediately prior to the filing of the petition.

C. LITERACY

Since September 27, 1906, a person may not be granted a certificate of naturalization unless he can speak the English language. This does not apply to aliens physically unable to comply, to aliens who had declared their intention to become citizens prior to June 29, 1906, and to aliens who file their declaration of intention and apply for homestead papers.

(Section Continued on Next Page)

A-640 (Continued) A-640

In order to give the government an opportunity to investigate petitions, no final hearing can be had until at least thirty days after the filing of the petition. Final hearings are held in open court and the final order is signed by the judge. This hearing is similar to a trial. The U. S. may appear to cross-examine the petitioner and his witnesses, who are examined under oath.

The court must be satisfied that the petitioner has behaved as a man of good moral character, attached to the principles of the U. S. during his residence here, that he does not believe in anarchy or polygamy, and that he can speak English unless physically incapable of doing so. In 1926 the law was amended to allow preliminary hearings by examiners designated by district court judges in order to relieve congestion of court business. The findings of the examiner are submitted to the court at the final hearing with a recommendation as to the final order.

At the final hearing the petitioner must declare on oath in open court that he renounces his foreign allegiance and that he will support and defend the Constitution and the laws of the U. S. against all enemies, foreign and domestic, and bear true faith and allegieance to the same. Citizenship will be denied if the petitioner qualifies the oath in any manner.

At the time and as a part of the naturalization of any person, the court (in its discretion, and upon the request of the petitioner) may make a decree changing the name of such person.

A person admitted to citizenship by a naturalization court is entitled to receive from the clerk of the court a certificate of naturalization. This certificate shall contain the following information:

Number of petition of naturalization

Number of certificate of naturalization

Date of naturalization

Name, signature, place of residence, autographed photograph and personal description of the naturalized person including age, sex, marital status and country of former nationality; title, venue and location of court, statement of court's findings and order and seal of the court.

(Section Continued on Next Page)

A-640 (Continued) A-640

The declaration of intention may not be made before the declarant is eighteen years of age and must be made at least two years before he becomes a citizen. It is an oath, sworn to before the clerk of the naturalization court in the district in which the declarant resides, that it is his bonafide intention to become a citizen of the U. S. and reside permanently therein and to renounce his foreign allegiance. The declaration must contain his name, age, occupation, personal description, place of birth, last foreign residence and allegiance, date of arrival into the U. S., name of the vessel in which he came, his present place of residence in the U. S., and data as to his absence from U. S. following his lawful entry for permanent residence.

The declaration does not confer citizenship; the declarant is still an alien. The declaration is not valid and cannot be filed until lawful entry into the U. S. for permanent residence has been established and a certificate showing the date, place, and manner of arrival has been issued, unless the entry was on or before June 29, 1906. The declaration must be accompanied by two photographs of the declarant.

Not less than two or more than seven years after the filing of his declaration of intention, the declarant must file a petition for citizenship, signed in his own handwriting if his declaration was filed after June 29, 1906, and duly verified stating the petitioner's full name, residence, occupation, date and place of birth, place from which he emigrated, date and place of arrival in the U. S.; name of the vessel, if any, in which he came, date, place and name of court where he filed his declaration; name of his wife, if any, her birth place and present residence; names, dates of birth, birth places and present residences of his children, if any.

A petition must set forth that he is not a believer in anarchy or polygamy, that he intends to become a U. S. citizen and reside permanently in the U. S. and renounce forever his foreign allegiance, whether or not he has ever been denied citizenship, and if he has, the grounds therefor, the court by which it was denied, that the cause of the denial has been removed, and every fact material to his naturalization and required to be proved on the final hearing.

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A-640 (Continued) A-640

In order to give the government an opportunity to investigate petitions, no final hearing can be had until at least thirty days after the filing of the petition. Final hearings are held in open court and the final order is signed by the judge. This hearing is similar to a trial. The U. S. may appear to cross-examine the petitioner and his witnesses, who are examined under oath.

The court must be satisfied that the petitioner has behaved as a man of good moral character, attached to the principles of the U. S. during his residence here, that he does not believe in anarchy or polygamy, and that he can speak English unless physically incapable of doing so. In 1926 the law was amended to allow preliminary hearings by examiners designated by district court judges in order to relieve congestion of court business. The findings of the examiner are submitted to the court at the final hearing with a recommendation as to the final order.

At the final hearing the petitioner must declare on oath in open court that he renounces his foreign allegiance and that he will support and defend the Constitution and the laws of the U. S. against all enemies, foreign and domestic, and bear true faith and allegieance to the same. Citizenship will be denied if the petitioner qualifies the oath in any manner.

At the time and as a part of the naturalization of any person, the court (in its discretion, and upon the request of the petitioner) may make a decree changing the name of such person.

A person admitted to citizenship by a naturalization court is entitled to receive from the clerk of the court a certificate of naturalization. This certificate shall contain the following information:

Number of petition of naturalization

Number of certificate of naturalization

Date of naturalization

Name, signature, place of residence, autographed photograph and personal description of the naturalized person including age, sex, marital status and country of former nationality; title, venue and location of court, statement of court's findings and order and seal of the court.

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A-640 (Continued) A-640

The declaration of intention may not be made before the declarant is eighteen years of age and must be made at least two years before he becomes a citizen. It is an oath, sworn to before the clerk of the naturalization court in the district in which the declarant resides, that it is his bonafide intention to become a citizen of the U. S. and reside permanently therein and to renounce his foreign allegiance. The declaration must contain his name, age, occupation, personal description, place of birth, last foreign residence and allegiance, date of arrival into the U. S., name of the vessel in which he came, his present place of residence in the U. S., and data as to his absence from U. S. following his lawful entry for permanent residence.

The declaration does not confer citizenship; the declarant is still an alien. The declaration is not valid and cannot be filed until lawful entry into the U. S. for permanent residence has been established and a certificate showing the date, place, and manner of arrival has been issued, unless the entry was on or before June 29, 1906. The declaration must be accompanied by two photographs of the declarant.

Not less than two or more than seven years after the filing of his declaration of intention, the declarant must file a petition for citizenship, signed in his own handwriting if his declaration was filed after June 29, 1906, and duly verified stating the petitioner's full name, residence, occupation, date and place of birth, place from which he emigrated, date and place of arrival in the U. S.; name of the vessel, if any, in which he came, date, place and name of court where he filed his declaration; name of his wife, if any, her birth place and present residence; names, dates of birth, birth places and present residences of his children, if any.

A petition must set forth that he is not a believer in anarchy or polygamy, that he intends to become a U. S. citizen and reside permanently in the U. S. and renounce forever his foreign allegiance, whether or not he has ever been denied citizenship, and if he has, the grounds therefor, the court by which it was denied, that the cause of the denial has been removed, and every fact material to his naturalization and required to be proved on the final hearing.

(Section Continued on Next Page)

A-640 (Continued) A-640

8. An American woman who lost her citizenship by marriage to an alien;

9. Certain persons in the Virgin Islands:

10. A woman who comes within the following classifications is not required to have a declaration of intention, or a certificate of arrival or to reside for any period of time within the U. S. or the county where her petition for citizenship is filed. She may file her petition in any court exercising naturalization jurisdiction, regardless of her place of residence. If a certificate executed by a naturalization examiner is attached to the original and duplicate petition at the time it is filed, the petition may be heard at any time after the date it is filed, except within the period of thirty days next preceding any election general to the court.

    These classifications include a woman:

    a. Who has lost her U. S. citizenship by marriage to an alien eligible to citizenship or by reason of the loss of U. S. citizenship by her husband and has not acquired any other nationality by affirmative act; or

    b. Who has lost her U. S. citizenship prior to March 3, 1931, by residence abroad after marriage to an alien, or by marriage to an alien ineligible to citizenship and has not acquired any other nationality by affirmative act; or

    c. Who is a native of Puerto Rico and is permanently residing therein and who, prior to March 2, 1917, had lost her American nationality by reason of her marriage to an alien eligible to citizenship, or by reason of the loss of U. S. citizenship by her husband.

    These provisions do not apply to a woman whose U. S. citizenship originated solely by reason of her marriage to a citizen of the U. S. or by reason of the acquisition of U. S. citizenship by her husband.

(Section Continued on Next Page)

A-640 (Continued) A-640

No person is naturalized by mere service in the armed forces of the U. S. There must have been a naturalization process and the granting of citizenship. Aliens serving in the armed forces were under certain conditions naturalized by a short process whether racially eligible to citizenship or not during the periods between May 1918 and May 1937 and between March 27, 1942 and December 28, 1945.

An enemy alien who was eligible for his second papers as of December 7, 1941, may be naturalized even though a state of war exists. An enemy alien may be naturalized if by presidential order he is declared to be exempt from classification as an enemy alien.

B. EXCEPTIONAL CASES

In certain specified cases not all of the conditions and requirements of the usual naturalization process have to be fulfilled. These include:

1. Persons in military and naval services of the U. S. in time of peace and during World Wars I and II;

2. U. S. citizens who served in foreign armies during World Wars I and II;

3. Aliens erroneously exercising rights of citizenship because of misinformation as to their citizenship status who resided in the country for five years prior to July 1, 1920;

4. Persons who "owe permanent allegiance" to the U. S.;

5. An enemy alien declared by presidential order to be exempt from classification as an enemy alien;

6. An alien woman married to an American citizen after September 22, 1922, or to an alien who becomes naturalized after that date;

7. An alien man married to an American citizen after May 24, 1934, or an alien whose spouse is naturalized after May 24, 1934;

(Section Continued on Next Page)

A-645 (Continued) A-645

An alien admitted to U. S. citizenship after September 27, 1906, received a certificate of naturalization showing his signature and certain items of description (age, height, color of eyes, name and age of wife and children, etc.). Certain data as to marital status and children were not included in certificates of naturalization after 1922. An alien admitted to citizenship after July 1, 1929, received a certificate of citizenship which also bears a signed photograph of the naturalized person. Copies of such certificates (and photographs) are on file in the office of the Immigration and Naturalization Service.

There are occasions in which the name appearing on the certificate of naturalization is dissimilar to the name of applicant. The fact that the applicant is the person to whom the certificate of naturalization was issued must be established. Proof that the name of the citizen to whom the certificate was issued was changed by a court order to that used by the applicant is proof of identity. In the absence of a legal change in name, other evidence must be secured to establish beyond reasonable doubt that the applicant is the person to whom citizenship was granted.

Variation in the spelling of the name as it appears on the certificate of naturalization and as used by the applicant often exists due to use of diminutives and to the tendency of naturalized citizens to anglicize their names. When it is clear that the name as used is the diminutive or the anglicized spelling of the name under which citizenship was granted, the certificate establishes citizenship of the applicant without further question.

If an applicant claims citizenship through individual naturalization, or by derivation through naturalization of parent or husband, but neither the original naturalization papers nor the court records are available, verification may be requested from the Immigration and Naturalization Service.

(Section Continued on Next Page)

A-640 (Continued) A-640

C. NATURALIZATION OF INDIVIDUAL WHO ERRONEOUSLY EXERCISED RIGHTS OF CITIZENSHIP

Any person, not an alien enemy, who resided uninterruptedly within the U. S. for five years next preceding July 1, 1920, if otherwise qualified to become a citizen except that he had not made the declaration of intention, and who, because of misinformation regarding his citizenship status had erroneously exercised the right or performed the duties of a citizen in good faith, may file a petition for naturalization without making preliminary declaration of intention, and upon satisfactory proof to the court may be admitted as a citizen upon complying with the other requirements of the Naturalization Law.

Since it is necessary that it be established that it was through positive misinformation that the person believed he was a citizen and that he meets the above qualifications before citizenship can be granted, such a person should take the matter up with the nearest office of the naturalization service. The special form for filing in such cases can be secured from the naturalization service. (U. S. Immigration and Naturalization Service)

A-645 VERIFICATION OF NATURALIZATION A-645

A. BY NATURALIZATION RECORD

A certificate of naturalization or information taken from the original court record is the only evidence which is accepted unless it cannot be obtained because of its physical destruction or for some other valid reason. The commissioner of naturalization has been authorized to issue a new certificate of naturalization in place of one which has been lost or destroyed, regardless of whether the original was granted in a state or federal court and regardless of whether it was before or after June 29, 1906.

No federal records of naturalization were kept prior to September 27, 1906, and there was no federal control of naturalization until that time. Except for the four-year period, 1798-1802, each court having naturalization jurisdiction judged for itself how the laws should be administered and how the records should be kept. A lack of uniformity as to the form of naturalization certificates resulted.

(Section Continued on Next Page)

A-645 (Continued) A-645

The index to the San Francisco Great Register of voters for 1898 and for preceding registration years is on file in the State Library in Sacramento.

In Los Angeles and San Francisco Counties the index to the Great Register of voters is filed in the office of the registrar of voters. In other counties in California the voting registrations are filed in the office of the county clerk. The State Library should be consulted only when the records are not available in the county offices.

2. Passports

A foreign-born applicant's claim to citizenship may be established by a U. S. passport issued to him. Native-born and foreign-born persons alike are required to present proof of citizenship when making application for a passport.

3. Homestead Papers

It may be possible to establish citizenship through homestead records on file in the General Land Office, Washington, D. C. Since June 6, 1912, homesteads have been issued to citizens only, except that American-born women who lost citizenship through marriage prior to September 22, 1922, were allowed to file on a homestead. Prior to June 6, 1912, patents to homesteads were issued to citizens and to those who had declared their intention to become citizens. In any case in which a homestead patent was granted, a statement from the General Land Office, Washington, D. C., of the proof of citizenship furnished by the homesteader may be obtainable.

Prior to 1908, the General Land Office did not keep an alphabetical index of persons to whom homesteads were issued.

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A-645 (Continued) A-645

Because of congestion in field office file rooms most naturalization records were recently transferred either to the National Archives or to the Central Office in Washington, D. C. In view of this transfer of records field offices are unable to verify any naturalization record where the subject was naturalized after September 27, 1906. Therefore, all requests for verification of naturalization and all requests for information from such records where persons were naturalized after September 27, 1906, are to be submitted to the Central Office. Communications should contain all available identifying data and be addressed to "The Chief, Mail, Files and Records Section, U. S. Immigration and Naturalization Service, 19th and East Capitol Streets, N. E., Washington 25, D. C."

Field offices will continue to handle all requests for verifications where naturalization occurred prior to September 27, 1906.

B. BY OTHER METHODS

When the naturalization certificate has been lost and the court record of naturalization is known to have been destroyed, certain other records may serve as proof of citizenship. These are:

1. Voters' Registration

Information regarding the date and place of naturalization of the applicant or his parents, if appearing thereon, is considered evidence of citizenship provided there is no information which contradicts or casts doubt on the citizenship status.

The record of naturalization for many persons was destroyed in the San Francisco Fire of 1906. Voters' registration records for persons who claim to have been naturalized in the San Francisco Superior Court prior to 1900, and who registered to vote before that year, may appear in the Index of the Great Register of San Francisco voters. The Immigration and Naturalization Service considers registration as a San Francisco voter in 1898, or prior thereto, as conclusive proof of a claim to naturalization. Persons whose record of naturalization was lost in the San Francisco Fire may apply to the Superior Court of San Francisco County for an order restoring such a record. The court order is given where there is adequate evidence to show that the petitioner is a citizen. Application forms may be secured from the San Francisco office of the U. S. Immigration and Naturalization Bureau.

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7. Witness to Application for Citizenship

The fact that a person has acted as a witness for another person who is applying for citizenship establishes the citizenship of the witness. In the case of a native-born witness, a sworn statement as to native birth is required. A foreign-born citizen who acts as a witness is required to present his own certificate of naturalization. (W&IC 2140, U. S. Immigration and Naturalization Service)

A-650 DEFINITION OF COLLECTIVE NATURALIZATION A-650

Collective naturalization is naturalization of a group of persons occurring as the result of:

1. The admission of a sovereign state to statehood,
2. The admission of a territory to statehood,
3. As a consequence of collective incorporation by a special act of Congress,
4. Annexation of a territory by treaty.

(U. S. Immigration and Naturalization Service)

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4. Seamen's Papers

The files covering issuance of identification cards to seamen, issued during World War periods, have been turned over to the U. S. Immigration and Naturalization Service and are on file in their local offices.

Citizen Seamen's Identification Cards issued under Section 4588 of the U. S. Revised Statutes in pursuance of the Act of May 22, 1918, substantiate the applicant's claim to citizenship. Such cards issued to outgoing seamen by a customs official and to incoming seamen, by an Immigration Inspector, bear the signature and seal of the issuing officer certifying that the person to whom the card was issued had produced satisfactory proof of citizenship. The picture and thumbprint of the seaman also appear on these cards.

There are several other kinds of marine licenses, such as those issued to seamen on coastwise or harbor vessels and those issued to mates, masters and engineers. As no fixed standard of value can be set for any of them, verification of citizenship shall be secured through a court record. In the absence of such record, a specific statement from the issuing agency of the citizenship proof submitted shall be secured.

5. Civil Service Records

An applicant's claim to citizenship may be established through federal, state or local civil service records. A statement from the proper authority that foreign-born applicants were required to present proof of citizenship on or before the date of employment under Civil Service may be obtainable.

6. Employment Records

An applicant's claim to citizenship may be established through employment records. Some industrial concerns employ only citizens and an official statement from the employer of the proof of citizenship presented by the foreign-born employee may be obtainable.

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Acquisition of statehood by some of the territories conferred citizenship on residents of the territory at the time of admission to statehood who had filed declarations of intention. This was true in the following states admitted since 1867:

Nebraska.....Feb. 9, 1867

North Dakota.....Nov. 2, 1889

South Dakota.....Nov. 2, 1889

Montana.....Nov. 8, 1889

Washington.....Nov. 11, 1889

In some of the territories admitted to statehood prior to 1867 it may be necessary to check the Organic Act creating the territory, and the Enabling Act allowing territorial electors to decide whether or not a state constitution is to be adopted, as well as the territorial code covering electors, if an individual claims citizenship through collective naturalization prior to 1867.

All citizens of the former Republic of Texas became citizens of the U. S. on December 29, 1845, according to a joint resolution of Congress.

According to treaties with Mexico, the inhabitants of California and portions of Arizona, New Mexico, and Colorado, who remained in those territories one year after the territories were taken over by the U. S. and who did not declare their intention to retain Mexican citizenship, thereby elected to become citizens of the U. S. California and portions of Arizona, New Mexico, and Colorado were ceded to the U. S. by the Treaty of February 2, 1848. That portion of Arizona known as the "Gadsden Purchase" was ceded to the U. S. by Mexico by the Treaty of December 30, 1853.

By special act of Congress of May 18, 1872, it was provided that all persons born in the district formerly known as the Territory of Oregon, and subject to the jurisdiction of the U. S., were citizens of the U. S.

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A-655 ACQUISITION OF CITIZENSHIP THROUGH COLLECTIVE NATURALIZATION

A-655

A. IN STATES

A person who was a qualified voter in a territory at the time of the final adoption of its constitution and admission to statehood became a citizen of the U. S. when the territory was admitted as a state.

States admitted since 1840 and their dates of admission are as follows:

Arizona.....Feb. 14, 1912	New Mexico.....Jan. 6, 1912
California.....Sept. 9, 1850	North Dakota.....Nov. 2, 1889
Colorado.....Aug. 1, 1876	Oklahoma.....Nov. 16, 1907
Florida.....Mar. 3, 1845	Oregon.....Feb. 14, 1859
Idaho.....July 3, 1890	South Dakota.....Nov. 2, 1889
Iowa.....Dec. 28, 1846	Texas.....Dec. 29, 1845
Kansas.....Jan. 29, 1861	Utah.....Jan. 4, 1896
Minnesota.....May 11, 1858	Washington.....Nov. 11, 1889
Montana.....Nov. 8, 1889	West Virginia.....June 20, 1863
Nebraska.....Feb. 9, 1867	Wisconsin.....May 29, 1848
Nevada.....Oct. 31, 1864	Wyoming.....July 10, 1890

(Section Continued on Next Page)

The above provisions apply only if such persons have not taken any steps to become citizens of any other country.

E. IN PANAMA CANAL ZONE

Any person born in the Panama Canal Zone on or after February 26, 1904 whose father or mother, or both, at the time of birth of such person, was, or is, a citizen of the U. S., is a citizen of the U. S.

Any person born in the Republic of Panama on or after February 26, 1904 whose father or mother, or both, at the time of the birth of such person, was, or is, a citizen of the U. S., employed by the Government of the U. S. or by the Panama Railway Company, is declared to be a citizen of the U. S.

F. IN THE PHILIPPINE ISLANDS

U. S. citizenship was not granted to citizens of the Philippine Islands upon annexation, and has not been granted to residents of the islands since that time. However, since July 2, 1946, Filipinos have been eligible to become naturalized U. S. citizens.

Adult Filipinos who enlisted and served for not less than three years in the U. S. Navy, Marine Corps, the Naval Auxiliary Service or Coast Guard, and who had an honorable discharge, or ordinary discharge with recommendation for re-enlistment prior to July 2, 1946, could file a petition for citizenship while still in service or within six months after an honorable discharge or separation. It was only under these circumstances that it was possible for a native-born Filipino to become a U. S. citizen prior to July 2, 1946.

G. IN THE VIRGIN ISLANDS

By Congressional enactment on February 25, 1927, former Danish citizens who resided in the Virgin Islands on January 17, 1917, and who were residing there, or in the U. S. or in Puerto Rico on February 25, 1927, and who did not elect to preserve their Danish citizenship by making declaration as provided by the treaty, or who, if they had made such a declaration, renounced it before a court of record, became U. S. citizens. Unless they had become citizens of some other foreign country, the same applied to native inhabitants of the Islands who resided in the U. S. on January 17, 1917, and who on February 25, 1927, resided in the Islands.

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A-655 (Continued) A-655

B. IN ALASKA

Persons who were living in Alaska in 1867, and who remained there, became citizens, with the exception of uncivilized native tribes. Persons born in Alaska subsequent to 1867, except the uncivilized tribes, are citizens.

C. IN THE HAWAIIAN ISLANDS

All persons who were citizens of the Republic of Hawaii on August 12, 1898, became citizens of the U. S. Chinese citizens of Hawaii at the time of its annexation, therefore, also became U. S. citizens.

U. S. citizenship is acquired by birth in Hawaii, as in any other part of the U. S. Persons resident of Hawaii five years before April 30, 1900, who were not citizens of Hawaii, could be naturalized without filing a declaration of intention. Since April 30, 1900, residents of Hawaii may be naturalized as may residents of the U. S.

A "Certificate of Special Rights of Citizenship" issued to aliens by the Monarchy in the Hawaiian Islands prior to the creation of the Territory does not prove U. S. citizenship. Such certificates were issued under the Monarchy solely for political purposes, but did not absolve the holder from his native allegiance, and expressly so state. Holders of "special rights" certificates were, therefore, not considered as citizens of the Hawaiian Islands at the time of annexation, and did not become citizens of the U. S.

D. IN GUAM

All persons born in or who were inhabitants of Guam on April 11, 1899, are citizens of the United States. This includes all those who were temporarily absent from Guam.

All persons born in Guam after April 11, 1899, are citizens of the United States if they were subject to the jurisdiction of the United States.

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A-655 (Continued) A-655

By the provisions of the act of June 27, 1934, a person born in Puerto Rico on or after April 11, 1899, who was not a citizen of the U. S. on June 27, 1934, became a citizen on that date unless:

1. He was, on that date, a citizen, subject or national of any foreign power; or

2. Prior to June 27, 1934, he had renounced or lost U. S. citizenship under either the treaties or the laws of U. S. citizenship, or both; or

3. He was, on that date, residing permanently abroad and was a citizen or subject of a foreign country.

Since the act of May 16, 1938, became effective, "any person of good character, attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the U. S. and born in Puerto Rico on or after April 11, 1899, who has continued to reside within the jurisdiction of the U. S., whose father elected on or before April 11, 1900, to preserve his allegiance to the Crown of Spain in accordance with the provisions of the treaty of peace between the U. S. and Spain entered into on April 11, 1899, and who, by reason of misinformation regarding his or her own citizenship status failed within the time limits prescribed * * * to exercise the privilege of establishing U. S. citizenship and has heretofore erroneously, but in good faith, exercised the rights and privileges and performed the duties of a citizen of the U. S., and has not personally sworn allegiance to any foreign government or ruler upon or after attainment of majority, may make a sworn declaration of allegiance to the U. S. before any U. S. district court. Such declaration shall set forth facts concerning his or her birth in Puerto Rico, good character, attachment to the principles of the Constitution of the U. S., and being well disposed to the good order and happiness of the U. S., residence within the jurisdiction of the U. S., and misinformation regarding U. S. citizenship status, and shall be accompanied by proof thereof satisfactory to the court. After making such declaration and submitting such proofs, such person shall be admitted to take the oath of allegiance before the court, and thereupon shall be considered a citizen of the U. S." (U. S. Immigration and Naturalization Service)

A-655 (Continued) A-655

By the provisions of the act of May 28, 1932, all natives of the Virgin Islands who were on June 28, 1932, residing in the continental U. S., the Virgin Islands, Puerto Rico, the Cana Zone, or any other insular possession or territory of the U. S. and who were not citizens or subjects of any foreign country, were declared to be citizens of the U. S., no matter where they may have resided on January 17, 1917. Since 1927, for the purposes of the naturalization law, residence in the Virgin Islands has been considered as residence in the U. S.

H. IN PUERTO RICO

Those inhabitants of Puerto Rico who were Spanish subjects, and who resided in Puerto Rico on April 11, 1899 (the date of the ratification of the treaty with Spain), as well as their children born subsequent to that date, provided such inhabitants continued their residence in Puerto Rico since that date, and did not make a declaration to preserve Spanish nationality as provided by treaty, were made citizens of Puerto Rico by the act of April 12, 1900.

U. S. citizenship was conferred on certain inhabitants of Puerto Rico on March 2, 1917. Those persons acquiring U. S. citizenship included persons made citizens of Puerto Rico by the act of April 12, 1900, and natives of Puerto Rico, who were temporarily absent from the Island on April 11, 1899, but who had since returned to reside permanently and who were not citizens of a foreign country.

The right to take the oath of allegiance to Spain and thus retain Spanish nationality provided by the treaty of peace between the U. S. and Spain on April 11, 1890, was reserved only to persons born on the Iberian Peninsula (i.e., natives of Spain or Portugal) and did not have reference to those natives who were born in Puerto Rico. A list of Puerto Ricans retaining former allegiance is in possession of the District Director of Naturalization in the Post Office Building, San Francisco. The U. S. Naturalization Service should not be asked to check the list of persons retaining their allegiance to Spain, unless the applicant was born in Spain or in Portugal, and lived in Puerto Rico on April 11, 1899, or was temporarily absent from Puerto Rico on that date.

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A-665 DEFINITION OF DERIVATIVE CITIZENSHIP A-665

Citizenship acquired as a result of the naturalization of another person rather than as result of the individual's voluntary application is known as derivative citizenship.

Derivative citizenship may be acquired by a minor through naturalization of a parent. Until September 22, 1922, derivative citizenship for a woman was acquired as a result of marriage to a citizen or the naturalization of the husband.

A person who claims derivative citizenship as set forth above, may, upon the presentation of proof satisfactory to the Commissioner of Immigration and Naturalization, and upon taking the oath of allegiance, be furnished with a certificate of citizenship. This is only possible when such individual is at the time within the U. S. (U. S. Immigration and Naturalization Service)

A-670 ACQUISITION OF DERIVATIVE CITIZENSHIP A-670

A. THROUGH PARENTS

Children born in foreign countries prior to May 24, 1934, of American fathers are U. S. citizens, if prior to the children's birth their fathers had resided in the U. S.

Foreign-born children whose fathers or mothers were naturalized or resumed citizenship during the child's minority prior to May 24, 1934, are citizens if they became residents of the U. S. during minority, and prior to May 24, 1934.

A foreign-born child whose foreign-born mother (if eligible to citizenship in her own right) married an American citizen, or married a person who became naturalized prior to September 22, 1922, became a citizen, provided:

1. The mother was married during the child's minority,

2. The child took up U. S. residence during minority,

3. The mother obtained citizenship during the child's minority.

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A-660 VERIFICATION OF CITIZENSHIP THROUGH COLLECTIVE NATURALIZATION A-660

In all cases of collective naturalization it is necessary to prove:

1. That the person was a resident of the place covered by collective naturalization at the time such naturalization was granted.

2. That he was a citizen or elector of the place covered by collective naturalization if such were required by the collective naturalization act.

When an applicant for OAS states he was born in Puerto Rico, the following information shall be secured to determine his citizenship status:

1. The country of which he was a subject on April 11, 1899.

2. His place of residence between April 11, 1899, and April 12, 1900; e.g., Puerto Rico, Hawaii, Mexico, Wisconsin, California, etc.

3. If temporarily absent from Puerto Rico during that period, the date on which he returned to Puerto Rico to make his permanent residence therein, and his place of residence on March 2, 1917.

4. That he did not make a declaration refusing to become a citizen of the U. S. within six months after March 2, 1917, or, if he did make such a declaration, that he has, since March 4, 1927, formally sworn allegiance to the U. S. before a court of competent jurisdiction.

When an applicant for OAS states he was born in Puerto Rico, but was away from the Island between April 11, 1899, and April 12, 1900, and had not returned to reside there permanently on March 2, 1917, it is doubtful if he gained American citizenship by collective naturalization. In such instances, it is advisable to present all the facts to the district office of the Immigration and Naturalization Service of the Department of Justice for a decision as to citizenship status.
(W&IC 2140, U. S. Immigration and Naturalization Service)

A-670 (Continued) A-670

B. THROUGH MARRIAGE

Foreign-born women, if racially eligible, derived citizenship through marriage to a citizen or to a person who became a citizen prior to September 22, 1922.

If the marriage was recognized as legal within the confines of any state where the couple lived together prior to September 22, 1922, it makes no difference whether the marriage was by civil or common law. If citizenship was gained through common-law relationship, in a state which recognized common-law marriage, such citizenship still holds even though the couple may have later moved to a state where common-law marriage was not recognized. In California, common-law marriage as such has never been recognized as a legal relationship. However, prior to 1895, the statutes provided for an unsolemnized marriage which included the elements of consent, followed by a mutual assumption of marital rights, duties, and obligations. It is possible, therefore, to establish the fact of legal marriage under this statute. After March 1895, only a solemnized marriage had legal status.

Since September 22, 1922, women have not acquired citizenship through marriage to a citizen. Naturalization (by a simplified procedure if the husband is a citizen) is the only method by which an alien woman, married on or after September 22, 1922, can obtain citizenship.

(U. S. Immigration and Naturalization Service)

A-675 VERIFICATION OF DERIVATIVE CITIZENSHIP A-675

A. THROUGH PARENTS

Proof of the parents' citizenship is necessary when a person born in a foreign country claims citizenship because his parents were citizens.

In all cases where citizenship has been derived through a parent's naturalization or resumption of citizenship, it is necessary to prove:

1. Naturalization or resumption of citizenship of the parent.

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A-670 (Continued) A-670

If the mother married after September 22, 1922, she did not gain citizenship and her child would, therefore, not gain citizenship.

A foreign-born minor child dwelling in the U. S. at the time of the naturalization of either parent automatically becomes an American citizen. Beginning January 13, 1941, this applies to children under the age of eighteen years only.

The child's right to derivative citizenship through one parent is not affected by the residence or citizenship of the other parent or the marital status of the parents.

The foreign-born minor gains citizenship by the naturalization of his parent from the date the minor begins permanent residence in the U. S. regardless of whether he resided with the parent in the U. S.

A foreign-born child not in the U. S. at the time one parent is naturalized (the other parent remaining an alien) becomes a citizen if the child resides in the U. S. for at least five years continuously, immediately prior to his eighteenth birthday and if he takes an oath of allegiance to the U. S. within six months of his twenty-first birthday.

The above applies even though the minor child is married at the time of the naturalization of the parent.

Adopted children do not take the citizenship of their adoptive parents nor do children acquire citizenship through the naturalization of their guardian. However, since January 13, 1941, special provisions are made for the naturalization of adopted children provided they meet certain requirements.

Illegitimate children take the citizenship of the father, if he later legitimatizes them through marriage, or paternity is established during minority by adjudication of a competent court. Otherwise, the citizenship of the mother is followed.

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Proof that common-law marriage was recognized in a state in which the couple lived prior to September 22, 1922, and that the couple lived there in such relationship prior to that date, establishes marriage.

If it is definitely known that the marriage records have been destroyed, certain supporting evidence to establish the marriage may be used as proof that a foreign-born woman gained citizenship by marriage. Such supporting evidence might include a record in which the applicant was designated as the wife, such as a census, naturalization, or death record, a property deed, or passport record.

Birth records of children in which the parents are named do not, by themselves, establish marriage of the parents, but may in the absence of conflicting information be used as evidence to support other documents which tend to establish marriage.

Personal affidavits may be used as proof of marriage only if reasonable effort to secure documentary evidence has been unproductive. The affiant must be one who witnessed the marriage cermony or who otherwise has knowledge that the marriage was a fact. The body of the affidavit must clearly set forth names of the contracting parties and the specific facts upon which the affiant's knowledge of the marriage is based. The affidavit of the spouse of the applicant may not be accepted.

2. Proof of Husband's Citizenship

If the applicant's husband acquired citizenship by naturalization, verification is required. (See Sec. A-645, Verification of Naturalization.)

If the applicant's husband was native born, his own sworn statement that he was native born is satisfactory proof of his citizenship unless there is reason to doubt this statement.

(W&IC 2140, U. S. Immigration and Naturalization Service)

A-675 (Continued) A-675

2. That the applicant was a minor at the time the parent was naturalized or resumed citizenship.

If there is reason to doubt that the applicant is the child of the parent who was naturalized, or who resumed citizenship, his identity as the child of the parent shall be established.

B. THROUGH MARRIAGE

The citizenship of a foreign-born woman who claims citizenship through marriage is established by determining that:

The marriage took place prior to September 22, 1922;

and

The husband was of native birth or was naturalized prior to September 22, 1922.

1. Proof of Marriage

Proof of marriage is established by the marriage certificate (a license to marry is not proof that the marriage occurred). In California after the marriage is solemnized the marriage license and the marriage certificate are recorded with the county recorder. Therefore, if the marriage certificate cannot be seen, information may be secured from the county recorder in the county in which the marriage was performed. The records of the minister who performed the marriage, or the records of the church in which the marriage occurred, may be used to establish the marriage.

Verification of a divorce by presentation of the final divorce decree or by the divorce records is also accepted as proof of marriage. This information also can be obtained from the county clerk of the county in which the divorce was secured.

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A native-born American citizen cannot renounce allegiance to the U. S. during his minority and, after January 12, 1941, while he is under eighteen years of age.

B. BY OATH OF ALLEGIANCE TO A FOREIGN STATE

The oath of allegiance to a foreign state which is usually required at time of enlistment in a foreign army, results in expatriation provided the person taking the oath is an adult. An oath taken under duress does not cause expatriation. The law of May 9, 1918, provided that former citizens who had enlisted in the services of the Allies might repatriate themselves by taking an oath of allegiance to the U. S.

An oath of allegiance, taken while the U. S. was at war, does not cause expatriation if the following provisions are met. Prior to the time the U. S. ceased to be at war, the person taking the oath, returned to this country for permanent residence and thereafter did nothing that indicated continued allegiance to the foreign state but, on the contrary, acted consistently as a citizen of the U. S.

C. BY DESERTION FROM U. S. MILITARY OR NAVAL SERVICES

A person who deserts the military or naval service of the U. S. in time of war and is convicted of such desertion in a court martial forfeits all rights to citizenship or right later to become a citizen. A person who deserts military or naval service in time of peace is subject to arrest and punishment but his citizenship status is not affected.

A person who left or shall leave the U. S. to escape the draft in time of war shall, upon conviction thereof by a court martial, be deemed to have voluntarily relinquished and forfeited his rights of citizenship as well as his right to become a citizen.

D. BY MARRIAGE

A citizen (man or woman) may, upon marriage to an alien, make a formal renunciation of U. S. citizenship, before a court having jurisdiction over citizenship but such renunciation cannot be made in time of war and if war shall be declared within one year after such renunciation, then such renunciation shall be declared void.

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A-680 DEFINITION OF EXPATRIATION A-680

Expatriation is the process by which a person loses citizenship either by his own act, or by the act of the nation of which he is a citizen. Ordinarily it is accompanied by the acquisition of nationality in another state.

No American citizen may expatriate himself while this country is at war This applies equally to all types of expatriation.

It is recognized that the law governing expatriation is in an unsettled state and that wide opportunity exists for presentation of cases raising debatable issues. Because of this fact and the necessity for respecting citizenship rights, the utmost care must be exercised in weighing proof of expatriation before concluding that one who was formerly a citizen has terminated that status. In this connection attention is invited to a statement made by the Supreme Court of the U. S. in 1879, that in the absence of proof that one has denationalized himself, his original citizenship is to be presumed to have continued.

The U. S. Department of State decides upon the status of citizens residing outside of this country. The Naturalization Service in the Department of Justice decides in regard to the status of a person holding a certificate of naturalization in this country. In some cases conflicting decisions are made by the two departments. The decision of the Naturalization Service holds in regard to a person who is living in the U. S. Both services are bound by opinions of the U. S. Attorney General.

(U. S. Immigration and Naturalization Service)

A-685 METHODS OF EXPATRIATION A-685

A. BY NATURALIZATION IN A FOREIGN STATE

Any American citizen shall be considered to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

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A-685 (Continued) A-685

The presumption of loss of citizenship may be overcome by means of presentation of satisfactory evidence to a diplomatic or consular officer of the U. S. under regulation prescribed by the Department of State. It has been judicially and administratively determined that return to and resumption of residence in the U. S. overcomes the presumption. The Supreme Court in commenting upon that provision of the statute said that the individual's "place of residence was an element in making him a citizen; it might be regarded as an element in continuing him a citizen and presumptions could be erected upon it, and we are prompted to say it is a presumption easy to preclude and easy to overcome. It is a matter of option and intention."

Naturalized citizens have also lost all claim to U. S. citizenship by return to their native countries through the operation of naturalization treaties, which must be consulted from time to time.

F. BY CANCELLATION OF NATURALIZATION CERTIFICATE

The U. S. district attorneys are authorized to bring proceedings asking cancellation of citizenship of any naturalized citizen, who within five years after his naturalization takes up his permanent residence in any foreigh country. However, unless the individual concerned loses citizenship under a naturalization treaty, by reason of the Expatriation Act of March 2, 1907, or by becoming naturalized or resuming citizenship through the operation of laws of the foreign country of which he is a resident, he remains a U. S. citizen until actual cancellation of his U. S. citizenship is ordered by court. A certificate may likewise be cancelled on proof that it was acquired illegally or by fraud.

A woman who gained citizenship through marriage prior to September 22, 1922 would lose such citizenship if her husband's citizenship is canceled for any reason.

G. BY EXPATRIATION OF PARENT

When a child has gained citizenship through the naturalization of a parent and such naturalization is canceled, the child's citizenship is likewise canceled. (For exceptions see Item E above, Expatriation by Foreign Residence.) However, under certain circumstances such a minor child may become naturalized without going through the usual process of individual naturalization.

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A-685 (Continued) A-685

Expatriation occurred as a result of a woman's marriage to an alien under any of the following circumstances:

1. Between March 2, 1907 and September 22, 1922, she lost her U. S. citizenship if her husband was an alien, and acquired the citizenship of her husband.

2. Between September 22, 1922, and March 2, 1931, both dates inclusive, she presumably lost citizenship if she married an alien, and during that period lived in the country of her husband's nationality for two years or elsewhere outside the U. S. or possessions for five years.

3. Between September 22, 1922, and March 3, 1931, she lost citizenship if she married an alien ineligible to citizenship.

An annulment of marriage cancels citizenship gained through the marriage. It also cancels expatriation due to marriage between March 2, 1907 and September 22, 1922.

E. BY FOREIGN RESIDENCE

Beginning January 13, 1941, one who after becoming a naturalized citizen returns to the country of his nativity and resides there for a period of two years, or moves to another foreign country and resides there for a period of five years, loses his U. S. citizenship. Prior to January 13, 1941, there was a presumption that citizenship was lost as the person was considered to have shown a lack of intention to become a permanent citizen of the U. S. at the time of filing the petition of naturalization.

In the absence of countervailing evidence, this shall be sufficient, in the proper proceeding, to authorize the revocation and setting aside of the order admitting such person to citizenship and the cancellation of the certificate of naturalization as having been obtained through fraud. The revocation and setting aside of the order admitting any person to citizenship and cancelling his certificate of naturalization shall not, after January 13, 1941, result in the expatriation or loss of any privilege of citizenship which would have been derived by or available to a wife or minor child of the naturalized person had such naturalization not been revoked. The citizenship and any such right or privilege of such wife or minor child shall be deemed valid to the extent that it shall not be affected by such revocation. This does not apply in any case where the revocation and setting aside of the order was the result of actual fraud.

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B. BY PRESIDENTIAL PARDON

Repatriation may be effected by the presidential pardon of a person convicted of desertion from the military or naval forces of the U. S. in time of war.

C. BY NATURALIZATION

Repatriation may also be accomplished by naturalization which, in some instances does not require all the usual steps in the process of individual naturalization.

D. BY OATH

Former American citizens who lost their citizenship by taking an oath or obligation in order to enter the service of the Allies during the World War may be repatriated by taking the oath of allegiance to the U. S. before a court having naturalization jurisdiction or before any U. S. Consul.

Certificates of repatriation may be issued by the Commissioner of the Immigration and Naturalization Service at the cost of one dollar to those individuals who desire to resume citizenship in this way.

E. SPECIAL PROVISIONS FOR WOMEN EXPATRIATED BY MARRIAGE

A woman who was a citizen at birth and who was expatriated solely by marriage to an alien between March 2, 1907 and September 22, 1922, may have regained her citizenship under certain conditions:

1. If the woman has resided continuously in the U. S. since the date of the marriage she regained citizenship by statute on June 25, 1936, regardless of whether the marriage has terminated.

2. If the woman has not resided continuously in the U. S. since the date of the marriage and her marriage to the alien has terminated, she regained citizenship.

   a. on July 2, 1940, if the marriage terminated between September 22, 1922, and July 2, 1940,

   b. on the date of termination of marriage if the marriage terminated between July 2, 1940 and January 13, 1941, or

   c. on the date on which she took the oath of allegiance if the marriage terminated subsequent to January 13, 1941.

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A-685 (Continued) A-685

A child who is a citizen shall lose his citizenship through the naturalization in a foreign state of a parent having his legal custody. However, such citizenship shall not be lost until the child shall have attained the age of 23 years without acquiring permanent residence in the U. S. In certain circumstances, the child was allowed until October 14, 1946, to take up permanent residence in the U. S.

A native-born American citizen cannot renounce allegiance to the U. S. during his minority.

A child born in the U. S. and taken during minority to the country of his parents' birth where his parents resume their former allegiance does not thereby lose citizenship, provided that, on attaining majority, he elects to retain his citizenship and to return to the U. S. to assume the duties of citizenship. (U. S. Immigration and Naturalization Service)

A-690 DEFINITION OF REPATRIATION A-690

Repatriation is the process of regaining a citizenship lost by expatriation. (U. S. Immigration and Naturalization Service)

A-695 METHODS OF REPATRIATION A-695

The process necessary for repatriation varies according to the way in which citizenship was lost.

A. BY STATUTE

In certain exceptional cases, Congress has granted citizenship for certain former citizens. In some instances, such statutes cover individuals; in others they apply to groups.

(Section Continued on Next Page)

A-699 (Continued) A-699

1. Her statement that she resided continuously in the U. S. following her marriage (regardless of whether the marriage has terminated) permits the presumption that she was repatriated by statute on June 25, 1936, and no further proof of repatriation is needed.

2. If she has not resided continuously in the U. S. since the date of the marriage and her marriage has terminated, she was repatriated under the circumstances outlined in Section A-695-E-2 upon:

   a. documentary proof of the termination of the marriage; i.e., by death, divorce or annulment, and (if the marriage terminated after January 13, 1941)

   b. proof that she took a formal oath of allegiance before a court exercising naturalization jurisdiction, or, if outside the U. S., before a diplomatic or consular officer of the U. S.

3. If her marriage to an alien has not terminated, repatriation is established by:

   a. proof of the husband's naturalization prior to September 22, 1922;

   or

   b. proof of the woman's naturalization after September 22, 1922.

4. If the marriage was to an alien ineligible to citizenship and occurred between September 22, 1922, and March 3, 1931, repatriation is established by proof of the woman's naturalization after March 3, 1931.

5. By proof of annulment of the marriage at any time.

(W&IC 2140, U. S. Immigration and Naturalization Service)

A-695 (Continued) A-695

3. If she was residing abroad at the termination of the marriage, she could resume U. S. citizenship by registering with a Consul of the U. S. as a U. S. citizen within one year following the termination of the marriage or by return to the U. S. to reside.

4. If she was residing in the U. S., citizenship was automatically restored to her upon termination of the marriage, provided such termination took place prior to September 22, 1922.

(W&IC 2140, U. S. Immigration and Naturalization Service)

A-699 VERIFICATION OF REPATRIATION A-699

Repatriation of any citizen who has been expatriated shall be established by inspection of pertinent documents in possession of the applicant when these are available, or if not, by correspondence with the U. S. Immigration and Naturalization Service.

Repatriation of a citizen who was expatriated by affirmative act other than marriage, such as the taking of an oath of allegiance to a foreign power, naturalization in a foreign state, or formal renunciation of citizenship, is established by verification of:

1. Naturalization; or

2. Formal oath of allegiance before a court exercising naturalization jurisdiction, when such procedure is authorized by statute.

Because of the effect of marriage prior to March 3, 1931 on citizenship of women it is necessary to ascertain from the woman applicant the dates of all marriages, the nationality of each husband, and her country of residence following her marriage if the husband was an alien. For the purpose of determining eligibility for OAS, repatriation of a woman citizen who was expatriated solely by marriage to an alien is established as follows:

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A-700 (Continued) A-700

CONTRACTS OF SALE AND CONDITIONAL SALES CONTRACTS

Contracts of sale (involving the sale of real property) and conditional sales contracts (involving the sale of personal property) are contracts which provide for installment payments. Title to the property remains with the seller until the terms of the contract have been fulfilled.

ESCROW

Escrow is a process during which the grantor gives a grant deed to the escrow holder (usually a title insurance company or bank) together with escrow instructions for delivery to the grantee when the escrow instructions have been fulfilled.

EQUITY

Equity is the value of property less liabilities; i.e., the current market value of the property less liabilities such as mortgages, liens or the unpaid balance due on the purchase price.

LIFE ESTATE

Live estate is an interest in real property which terminates upon the death of the owner; unless otherwise specified, the life tenant is responsible for meeting the expenses of the property such as taxes, upkeep, etc; the life tenant is entitled to the current use of the property and may utilize it by occupying the property or by retaining any income received therefrom. Upon the death of the life tenant the property automatically goes to the remainderman.

A-700 DEFINITIONS A-700

REAL AND PERSONAL PROPERTY

In general real property is immovable while personal property is movable. Real property includes land, permanent attachments such as growing timber, minerals such as mining claims, and permanent improvements. Personal property includes all property which is not real property. (For information regarding items to be included in computing real property holdings, see Sec. A-710, Determination of Assessed Value of Real Property; for information regarding personal property items see Sec. A-730, Resources Which Represent Personal Property.)

SEPARATE AND COMMUNITY PROPERTY

Separate property, real or personal, is property acquired by the husband or wife prior to marriage. Property acquired subsequent to marriage is separate property if purchased with funds which represent the separate property of the owner such as funds received from the sale of separate property or property received by gift or inheritance.

Community property, real or personal, is property acquired by the husband or wife during marriage (unless acquired as separate property), property purchased on the personal credit of either spouse, property purchased with community funds or with funds received from the sale of community property. If property is purchased with funds which cannot be identified as separate property, such property shall be considered to be community property. (For information regarding separate and community income see Sec. A-1116, Division of Income with Spouse.)

MORTGAGES AND TRUST DEEDS

A mortgage is an instrument by which the debtor-mortgagor gives an interest in his property to the creditor-mortgagee as security for payment of a debt. Title to the property remains with the mortgagor. A mortgage, which must be in writing, is acknowledged, certified and recorded in the same way as grants of real property.

A trust deed is also an instrument by which an interest in property is given as security for payment of a debt. The debtor-trustor gives title to his property to a trustee who holds title until the debtor-trustor pays his debt to the creditor-beneficiary.

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A-705 OWNER OF REAL PROPERTY A-705

Ownership of real property shall be verified to determine that property holdings are within the limitations of the code.

The term "owner" includes all persons who hold legal title to property. It also includes the vendor (i.e., the seller) and the vendee (i.e., the buyer) of real property under a contract of sale. (See Sec. A-745, Encumbrances.)

Property is considered owned if it is held:

1. Clear of all indebtedness;
2. Subject to mortgage, deed of trust, etc.;
3. Subject to sale to another party under contract of sale;
4. Subject to purchase from another party under contract of sale;
5. As a homestead;
6. In an undistributed estate provided the property is in fact available prior to distribution;
7. Under lease for a period of ten years or more and used for a place of residence of the lesee.

Real property may be owned:

1. As separate property;
2. As community property;
3. In joint tenancy;
4. In tenancy in common;
5. In a partnership;
6. By a corporation.

Proceeds received by an applicant or recipient from the sale of real property are considered real property for a period not to exceed six months from the time of receipt provided the funds are retained for purchase of a home. (See Sec. A-765, Conversion of Real or Personal Property.)

Real property owned by minor children of an applicant or recipient shall not be considered in determining eligibility. (WIC 2163.1, 2163.5, 2165d; CC 678; AGO 778, 1469, 2387, 4943)

REAL PROPERTY

A-703 REAL PROPERTY ELIGIBILITY REQUIREMENTS A-703

1. OAS shall not be granted to any person who owns real property the county assessed value of which, less all encumbrances of record, exceeds $3,500.

2. No aid shall be granted to any married person if the county assessed value of the combined real property of the husband and wife, less all encumbrances of record, exceeds $3,500. (See Sec. A-745, Encumbrances.) However, if the facts establish real property to be the separate property of a spouse who is separated from, and who is not living in the same household with, the applicant or recipient, the county assessed value of such spouse's separate real property shall be excluded when determining whether real property holdings are within the $3,500 limitation. Likewise any encumbrance on the separate real property of such spouse shall be disregarded.

   In cases of separation without intent to terminate the marital relationship, e.g., due to illness, visits to relatives, etc., the separate real property of the spouse shall be included in determining the real property holdings of the applicant or recipient. Any encumbrance on the separate real property of such spouse shall be considered in determining eligibility.

3. Real property owned but not occupied as a home by the applicant or recipient shall be utilized to provide for the needs of the applicant or recipient. (See Sec. A-715, Utilization of Real Property.)

4. OAS shall not be granted to any person who has made a voluntary assignment of real property to qualify for aid or to avoid utilization of real property to meet his needs. (See Chapter VIII, Transfer of Property; See Sec. A-715, Utilization of Real Property.) (W&IC 2140, 2160g, 2164, 2165, 2165a)

A-710 (Continued) A-710

The following items of real property (excepting separate property of a separated spouse) shall be included when determining if the total assessed value of real property, less encumbrances of record, is within the allowable maximum.
(See Sec. A-745, Encumbrances.)

1. The county assessed value of real property to which the applicant or recipient and/or spouse hold title, irrespective of whether the property is encumbered or unencumbered.

2. The applicant or recipient's proportionate share of the total assessed value of property held in joint tenancy or in tenancy in common by one or more persons. The owners are presumed to have equal interests unless this presumption is refuted by factual evidence. (Exception: When property is owned with a spouse the total assessed value of the property shall be considered.)

3. The county assessed value less the amount still due on the purchase price of property being bought under contract of sale.

4. The county assessed value less the total amount paid on the principal (excluding interest) of property being sold under contract of sale.

5. The county assessed value of real property of the applicant or recipient in the process of sale and which is held in escrow.

6. The county assessed value of real property held in trust if the applicant or recipient has control of the trust of which he is beneficiary.

7. The county assessed value of the applicant or recipient's place of abode, whether his house, boat, trailer or other habitation. (If the property is not assessed and it is impossible to obtain an assessment the current market value shall be used.)

8. The county assessed value of property leased by an applicant or recipient for a period of ten years or more when the property is used as his residence.

9. The county assessed value of real property in an undistributed estate when such property is in fact available prior to distribution.

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A-710 DETERMINATION OF ASSESSED VALUE OF REAL PROPERTY

A-710

The county assessed value of all real property owned by an applicant and/or his spouse shall be verified, regardless of its location, actual value or salability. Verification shall be retained or reported in the case record. (Exception: It is not necessary to verify the assessed value when the facts establish the property to be the separate real property of a separated spouse.) (See Sec. A-703, Real Property Eligibility Requirements.)

The assessed value of real property holdings reported by the applicant or recipient may be verified from the last tax statement. If the tax statement is not available, verification shall be made through the records of the county assessor, tax collector and/or recorder. Those records may indicate ownership of property which the applicant declares not to belong to him. In the absence of conflicting information his affidavit that he is not the owner is acceptable. In case of conflicting information independent proof that he is not the owner is necessary

If the applicant states that neither he nor his spouse owns any real property, his statement to that effect shall be reported in the case record. Further investigation is required only when there is inconsistent or conflicting information. If such information arises, a property search shall be made in the locality in which it appears the applicant or his spouse may own property.

Veterans (and in some instances their widows and parents) are allowed certain tax exemptions. The true assessed value shall be used in determining total property holdings. If the tax statement or other record used to verify the assessed value shows only the adjusted assessment after the exemption has been deducted, the amount of the exemption shall be determined and added to the adjusted assessment to determine the true assessed value.

Real property usually includes land and immovable improvements. However, for purposes of Old Age Security, any place of abode of an applicant or recipient, whether house, boat, trailer or other habitation, shall be considered real property.

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A-715 (Continued) A-715

When real property is owned with another person or persons, the applicant or recipient must attempt to utilize his share. The recipient shall not be held to be ineligible if prevented from utilizing his share by the terms of the co-ownership or the desires of the other owners.

UTILIZATION DEFINED

Real property is utilized when it is contributing toward the current needs of the recipient. It is contributing toward his current needs when it provides him with shelter, food, or other maintenance items or is producing reasonable net income. There may be other ways whereby property is contributing toward the current needs of the owner. For example, an occupant in return for use of the property, provides a recipient with necessary physical care or nursing service.

Real property is utilized for shelter when it is occupied as the home of the applicant or recipient. Utilization of the resource shall not be considered to be terminated by temporary absence from the home for such reasons as illness, seasonal employment elsewhere, visits for a short period, extreme climatic conditions, etc., provided the recipient plans to return to the home as soon as the particular circumstances no longer exist.

If the home property is a multiple unit dwelling (e.g., apartments or flats), or if it includes other separate housing units, that portion of the home property not occupied as the owner's household shall be utilized.

"Home" includes the surrounding area which is normally used for the garden, family orchard, etc. If the surrounding area is so large that a portion of it could be rented, leased, or otherwise made to produce something of current benefit to the owner without restricting the use of his home plot, such portion shall be utilized. The plot surrounding the recipient's home suffices for his family vegetable or flower garden. The use of other real property for this purpose does not meet the utilization requirement in relation to that property.

Property which is rented or is otherwise producing income is being utilized toward meeting the recipient's needs only if it is producing reasonable net income, i.e., the net income results from a rental charge which is consistent with the rental value of similar property in the community, products produced are sold at a price consistant with the market for such products, etc.

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A-710 (Continued) A-710

10. The county assessed value of stock in a water company not appurtenant to the land and furnishing water for agricultural purposes.

11. The county assessed value, if obtainable, of such property as unpatented mining claims, timber, oil or mineral rights, cemetary property held for profit, etc.

12. The county assessed value of the property of a remainderman in which a vested future interest is held. A future interest is vested when the remainderman would have a right to the immediate possession of the property upon the ceasing of the intermediate or precedent interest such as life estate or other intermediate holding.

The following items shall be excluded in determining the total value of real property:

1. An Indian's interest in land held in trust by the United States Government.

2. A remainderman's interest in real property where it is contingent. If question arises as to whether the interest is contingent or vested, it should be referred to the district attorney for decision.

3. Property in which the applicant or recipient holds life estate.

(W&IC 2140, 2163.1, 2163.4, 2163.7, 2165; AGO NS 778, NS 1044, NS 2387, NS 2478, NS 3811, NS 4769, NS 4943, NS 10933, 47/307)

A-715 UTILIZATION OF REAL PROPERTY A-715

UTILIZATION REQUIREMENT

Real property owned by an applicant or recipient shall be utilized to provide for the current needs of the applicant or recipient. This requirement does not apply to the separate real property of the spouse of an applicant or recipient.

The applicant or recipient shall make the decision as to the way the resource is to be utilized in accord with that plan which will make the greatest contribution toward his current needs. The recording in the case record shall include the statement of the plan and the basis for the decision made.

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A-715 (Continued) A-715

Sale of the real property would be considered a "useless act" if the proceeds the recipient might reasonably expect to realize in a bona fide sale together with his personal property resources would not exceed $1,200. Further, if the owner is married and the spouse with whom he is living is also a recipient of Old Age Security the combined holdings of the couple, so determined, shall not exceed $2,000.

The amount which could be realized in a bona fide sale is the estimated sale value as determined by realtors or others in a position to know the sale value of the property, less any encumbrances of record against the property.

Under no condition shall a new applicant be required to offer property for sale prior to the date on which the board of supervisors finds him to be eligible to receive aid.

2. The recipient has made unsuccessful efforts to rent or otherwise utilize his property and one year has expired since the application was granted (in the case of a new applicant) or the recipient (in a continuing case) was notified that his real property must be utilized.

Unless the sale of the real property would be a "useless act," as defined in this section, such recipient shall be required to offer the property for immediate sale. (Exception: In the case of a multiple dwelling when the recipient uses one unit of the property as his home, it need not be offered for sale.) The sale price shall be consistent with the value of similar property in the community as determined by realtors or others in a position to know the value of the property.

The recipient shall remain eligible so long as he makes a continuous and bona fide effort to sell the property, i.e., continuously offers it for sale by posting the property, listing it for sale with one or more real estate agents, etc. In the absence of such effort, aid shall be discontinued.

Aid shall be discontinued if a recipient offers real property for sale with the intent of circumventing the utilization requirement. Discontinuance shall occur only when there is clear indication that the property is capable of utilization, and the facts give reasonable basis for concluding that it was the intent of the recipient to avoid utilization of the property.

(See Sec. A-840 A, Transfer of Property for Fair Consideration and Sec. A-850 D, Transfer of Real Property for Purpose of Avoiding Utilization.)

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A-715 (Continued) A-715

The recipient may own property which normally produces net income, but is producing little or no income at present. Decision as to whether it is producing reasonable net income shall be made on the basis of the average net income during the past five years, provided it appears likely that it will again produce reasonable net income in the immediate future. For example, the orchard which has produced net income in the past but is presently producing little or no crop because of damage by frost, blight, etc,; the rental property which normally produces net income but for which there is no present net income due to expense for a new roof or other major repair necessary to its maintenance as rental property.

TIME LIMIT FOR UTILIZATION

The recipient shall be given a reasonable period in which to initiate his plan for utilization of his real property. For new applicants, this period shall expire three months from the date of the board of supervisors' action granting the application. For those currently receiving aid, this period shall expire three months from the date the recipient was advised that he must utilize his real property. However, if serious illness or other extenuating circumstances prevent the owner from proceeding with his plan for utilization of his property, the period shall be extended. Such extension shall be compatible with the conditions in the individual case. The specific circumstances which resulted in an extension of time shall be recorded in the case record.

If the recipient has made no effort to utilize his real property by the expiration of a reasonable period, as defined in the foregoing paragraph, the county shall discontinue payment of aid unless utilization is determined not to be feasible.

WHEN UTILIZATION IS NOT FEASIBLE

Utilization of real property shall not be considered to be feasible under the following circumstances:

1. The recipient knows of no way whereby he could make the property contribute toward his current needs and the county determines that any effort on his part toward utilization of the property would be futile. The recipient, in order to qualify for continuing aid, shall offer the property for immediate sale unless sale of the property would be a useless act; for example, an unimproved lot which cannot be rented and there appears to be no other plan whereby it can be made to contribute toward meeting the recipient's need; range land useful for no other purpose, and rental of which is a remote possibility.

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PERSONAL PROPERTY

A-720 PERSONAL PROPERTY ELIGIBILITY REQUIREMENTS A-720

Old Age Security shall not be granted to any person, single, divorced, widowed, separated, or living with a spouse who is not an applicant for or recipient of OAS, who owns personal property the market value of which exceeds $1,200 after encumbrances of record are deducted.

The full market value of separate personal property owned by the applicant or recipient and his share of community personal property shall be considered in determining his eligibility.

Personal Property which is determined to be the separate property of a spouse who is not an applicant for or recipient of OAS shall not be considered in determining personal property holdings of the applicant (or recipient).

Example 1: A married couple living together own the following personal property.

$ 900 market value of bonds (community property)
350 man's "paid-up" burial insurance (his separate property)
1300 bank account (her separate property)

The man applies for aid. The wife is not an applicant or recipient. He is eligible because his one-half of the community property ($450) and his separate property ($350) does not exceed $1,200.

OAS shall not be granted to any married person, living with a spouse who is also an applicant or recipient if

1. the value of such person's separate personal property and his share of community personal property exceeds $1,200 after encumbrances of record are deducted,

and

2. the value of the combined total personal property holdings of the applicant (recipient) and spouse exceeds $2,000 after encumbrances of record have been deducted.

(Section Continued on Next Page)

A-715 (Continued) A-715

If the recipient offers real property for sale without attempting to utilize it because he is not able to take care of it, there is a present market for it with possibility of sale at an advantageous figure, or there are other extenuating circumstances, immediate offer for sale would not be cause for discontinuance.

A-720 (Continued) A-720

OAS shall not be granted to any person who has made a voluntary assignment of personal property to qualify for aid or to qualify for a greater amount of aid than he would otherwise receive. (See Sec. A-870, Transfers of Personal Property Which Result in Ineligibility.) (W&IC 2140, 2160g, 2163)

A-725 OWNER OF PERSONAL PROPERTY A-725

Ownership of personal property shall be verified to establish that property holdings are within the limitations of the code.

The term "owner" includes all persons who hold either legal or equitable title to personal property, regardless of its location.

Personal property is considered to be owned if it is held under any of the following conditions: (See Sec. A-745, Encumbrances.)

1. Clear of all indebtedness;
2. Subject to a mortgage, or other obligation against it, or if it has been placed as collateral;
3. Subject to purchase from another party under a conditional sales contract;
4. Subject to sale to another party under a conditional sales contract;
5. In an undistributed estate if the property is in fact available prior to distribution of the estate;
6. In a trust if the property is in fact available in whole or in part.

Personal property may be owned:

1. As separate property;
2. As community property;
3. In joint tenancy;
4. In tenancy in common;
5. In a partnership;
6. By a corporation.

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A-720 (Continued) A-720

"Combined" personal property includes all separate personal property owned by either spouse and their community personal property.

In every case in which the person is married and is living with a spouse who is also an applicant or recipient a determination must be made under both 1 and 2 immediately above.

Example 2: Married couple living together both apply. Investigation established personal property holdings as follows:

$ 50	bank account (his separate property)
1200	value of bonds (community)
700	bank account (her separate property)

Aid is granted for the man because (1) his separate property ($50) plus his one-half of community property ($600) does not exceed $1,200 and (2) all of the property owned by both ($1,950) does not exceed $2,000.

Although combined property of couple is not in excess of $2,000, the wife's application is denied because her separate property ($700) and her share of community property ($600) exceeds $1,200.

When the spouse with whom a recipient is living applies for OAS no decision shall be made in relation to the continued eligibility of the recipient until the investigation of the separate and combined personal property of the couple has been completed.

If each of a couple is an applicant and/or recipient and the personal property of each spouse is determined not to exceed $1,200, but their combined total personal property holdings exceed $2,000, aid shall be granted (or continued) to one spouse and aid for the other spouse shall be denied (or discontinued). The fact that aid can be granted to either one of the couple but cannot be granted to both shall be discussed with them. The decision as to which one shall receive aid rests with the couple but if it is to their advantage to grant to one rather than to the other this shall be explained to them.

Example 3: A married couple living together both apply. Their only personal property is community property which totals $2,300 or $1,150 each. The couple receives net rent of $20 a month or $10 each. The wife has medical needs of $10 a month. The couple is therefore in agreement that it is to their advantage to grant aid to the wife who is eligible to the maximum grant whereas the husband would receive only $65. Her application is granted; his is denied.

Example 4: Man is receiving aid. His separate personal property totals $1,100. The wife applies and investigation of her application reveals that she has $1,090 separate personal property. There is no community property. There is no advantage to them in granting to one or to the other. His aid continues and the wife's application is denied.

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A-730 (Continued) A-730

in a water company--See Sec. A-710, Determination of Assessed Value of Real Property, Item 10) bonds, notes, mortgages, deeds of trust, etc. (Exception: Proceeds received by an applicant or recipient from the sale of real property are considered real property for a period not to exceed 6 months from the time of receipt provided the funds are retained for the purchase of a home.) (See Sec. A-765, Conversion of Real or Personal Property.)

2. Motor Vehicles:-Vehicles of all kinds including automobiles used for necessary personal transportation. (See Sec. 735, Evaluation of Personal Property, Item 5.)

3. Life Insurance:-The cash surrender value of a policy or policies of insurance on the life of the applicant or recipient, and on the life of the spouse In the case of a married couple, each is considered to have a one-half interest in the cash surrender value of policies carried by either, except when the facts establish that the cash surrender value represents the separate property of the insured. (See Sec. A-735, Evaluation of Personal Property, Item 6.)

4. Burial Insurance:-Paid up insurance of the type which is payable only at death, i.e., has no cash surrender value during the life time of the insured is considered the separate property of the insured. (See Sec. A-735, Evaluation of Personal Property, Item 7.)

5. Burial Trust or Similar Funds:-Such funds are considered the separate property of the beneficiary. (See Sec. A-735, Evaluation of Personal Property, Item 8.)

6. Interment Plot:-Space intended to be used for interment purposes whether a plot in a cemetary, a crypt, vault, etc., shall be considered the separate property of the spouse for whom it is intended. (See Sec. A-735, Evaluation of Personal Property, Item 9.)

7. Leases:-The lessee's interest in a lease of real property for a period of years.

8. Business Enterprise:-The value of a commercial or other business enterprise including the value of livestock and fowl, other than that retained for family use only, the value of farm equipment, etc. The current market value of furniture, household equipment, foodstuffs or fuel which is held primarily for commercial purposes or profit.

9. Interest in Firms in Receivership:-The market value of an interest in defunct banks, building and loan associations, etc.

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A-725 (Continued) A-725

Personal property owned by minor children of an applicant or recipient shall not be considered in determining eligibility. Likewise, insurance policies on the lives of minor children are considered the property of the child. The cash surrender value does not affect the eligibility of the parent. Emancipation of the child has no bearing on the ownership of such insurance.

Proceeds received by an applicant or recipient from the sale of real property are considered as real rather than personal property for a period not to exceed six months from the time of receipt provided the funds are retained for purchase of a home. (See Sec. A-765, Conversion of Real or Personal Property.) (W&IC 2140, 2163, 2163.1, 2163.2, 2163.4, 2163.5, 2163.7, 2165d)

A-730 RESOURCES WHICH REPRESENT PERSONAL PROPERTY A-730

The current market value shall be determined for all items of personal property, except "personal effects." The value of personal property which is the separate property of the applicant or recipient and his share of all community personal property shall be included as personal property holdings. Personal property which is the separate property of the spouse shall not be included in the applicant's or the recipient's personal property holdings. Evidence shall be secured to establish that property purported to be the separate property of the spouse is, in fact, his or her separate property.

Each of a couple is presumed to own a one-half interest in community personal property. (For exceptions see Items 4, 5, 6 below.) Title to community property may be held jointly in the name of each of the couple, or it may be held in the name of either spouse. All personal property held in the name of the spouse of a married person is presumed to be community property but this presumption may be refuted by evidence which establishes the property as separate property.

The value of the following resources, less encumbrances of record, shall be considered when determining the total value of personal property: (See Sec. A-745, Encumbrances.)

1. Money and securities:-Cash on hand, in a bank account or safe deposit box, in postal savings, on deposit with building and loan associations or otherwise held where it is payable on demand; stocks, (except stock

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A-735 EVALUATION OF PERSONAL PROPERTY A-735

Evaluation of personal property begins with the applicant's statement of his holdings. Verification of his statements is required except as herein specified. The applicant is the primary source of verification in that he frequently has documents in his possession which support his statements. In the absence of conflicting information such documents shall be used rather than pursuing the investigation through other sources. (See Sec. A-372 D, Content of the Annual Reinvestigation.)

1. Cash on Hand and in Safe Deposit Boxes

The applicant's statement of the amount of cash or currency in his personal possession shall be verified by his statement which shall be recorded in the case record.

If an applicant or recipient rents or has the use of a safe deposit box he shall be requested to furnish all pertinent detail regarding his stock certificates, bonds, mortgages, insurance policies or other types of personal property kept in the box. If he is unable or unwilling to secure the necessary detailed information he shall be required to review the contents of the safe deposit box in the presence of the public assistance worker. All pertinent detail regarding items of personal property in the safe deposit box shall be recorded in the case record.

2. Cash on Deposit

The actual amount of funds on deposit in banks, postal savings accounts, building and loan associations etc., shall be verified by inspection of documents in the applicants' possession, such as bank books, postal savings certificates, etc. Verification through the particular savings institution is required if:

a. The applicant is unable or unwilling to present the necessary documents for review.

b. His personal property holdings approach the maximum unless the documents clearly show an entry since the last interest payment accrued.

c. There is inconsistent or conflicting information regarding the applicant's funds.

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10. Conditional Sales Contracts:-The current market value of the equity in personal property being

    a. purchased under contract of sale, except when the article being purchased is a "personal effect." The market value of the purchaser's equity is the difference between the current market value of the goods being purchased and the remainder due on the contract.

    b. sold under contract of sale. The market value of the seller's equity is the current market value of the goods being sold, less the total amount the buyer has paid on the sale price (excluding interest).

    In the absence of information to the contrary, it is the presumption that payments are being made regularly in accordance with the terms of the contract.

11. Undistributed Estates:-An heir's interest in an undistributed estate only if the property in the undistributed estate is in fact personal property and is available to the recipient prior to distribution. If two or more heirs have an undivided interest in such property the interest of each is considered to be in proportion to the number of known heirs.

12. Trust Funds:-An interest in the corpus of a trust of which the applicant or recipient is beneficiary but only to the extent that the property is in fact available. (For exception see Item 5 of this section.)

The value of the following resources shall not be considered when determining the total value of personal property:

1. Personal Effects:-Clothing, household furniture and equipment, food stuffs, fuel and personal jewelry used by the applicant or recipient or held for his future use.

2. Property in Escrow:-Funds held in an escrow account are considered unavailable as long as the escrow can be revoked only upon the consent of all parties involved and shall not be considered in determining eligibility of either the purchaser or seller until the escrow is completed.

(W&IC 2140, 2163, 2163.1, 2163.2, 2163.6, 2165 d)

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The current market value of all U. S. savings bonds or other bonds or obligations of the U. S. registered in the name of one person payable on death to a named survivor, represent personal property of the registered owner during his lifetime. Upon the death of the registered owner they become the property of the named survivor unless Federal laws and regulations governing the issuance thereof provide otherwise.

A person named as a co-owner and having possession of a U. S. bond shall be deemed to be the presumptive owner unless such ownership is refuted by evidence that all or part of the funds used to purchase the bond did not belong to him. When the contention is made that all of the funds used to purchase the bond did not belong to the person, and that the bond was not a gift, effort shall be made to establish whether he has any interest in it. The fact that there may be two co-owners of the bond shall not in itself determine that the bond is jointly owned. The person whose name appears on the bond as co-owner and who does not have possession of such bond shall not be presumed to own any part of the bond unless evidence refuting such presumption is set forth.

The current market value of the United States Savings Bonds (Series A to E, inclusive) increases according to the table of values on the back of the bonds. Redemption values increase on the anniversary dates which fall at six month intervals following the first of the month in which the bond was originally issued. Redemption values for several denominations of Series E bonds are listed in the following table:

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The current market value of a deposit in a company in process of liquidation shall be considered.

When the applicant's name appears with that of another person on a joint or trustee account, there is a presumption that the applicant is the owner of all the funds in the account. When the applicant contends that all of the funds in the account do not belong to him effort shall be made to establish his exact interest through affidavits from all parties concerned. Further evidence shall be secured if any of the parties fail to make an affidavit or the affidavits do not agree as to ownership of the funds. All data relating to verification of funds on deposit in banks or elsewhere shall be recorded in the record.

3. Notes, Mortgages and Deeds of Trust

The current market value of notes, mortgages and deeds of trust, i.e., the amount which could be realized if such instruments were offered for quick sale, shall be ascertained from local bankers, realtors, loan companies, or others qualified to make such estimates. The current market value and the source through which it was determined shall be recorded in the case record. Two or more estimates should be secured when the first estimate results in the value of the total personal property holdings being slightly below or above the maximum allowed. Additional estimates should also be secured if the first estimate appears to be unrealistic in light of the factors affecting current market value.

4. Stocks and Bonds

The current market value of stocks and bonds shall be secured through daily newspaper quotations, brokerage houses, banks or established tables of values. (Exception: Stock in a water company not appurtenant to the land to the extent of and in the amount necessary to obtain water for agricultural purposes shall be considered real property.) The current market value and the source through which it was determined shall be recorded in the case record.

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Redemption values if the bonds are held after maturity are listed in the following table:

Period Elapsed After Maturity	Redemption Values $25	$50	$100
Less than ½ year	$25	$50	$100
½ to 1 year	25.31	50.62	101.25
1 to 1½ years	25.62	51.25	102.50
1½ to 2 years	25.94	51.87	103.75
2 to 2½ years	26.25	52.50	105.00
2½ to 3 years	26.56	53.12	106.25
3 to 3½ years	26.87	53.75	107.50
3½ to 4 years	27.18	54.37	108.75
4 to 4½ years	27.50	55.00	110.00
4½ to 5 years	27.81	55.62	111.25
5 to 5½ years	28.12	56.25	112.50
5½ to 6 years	28.43	56.87	113.75
6 to 6½ years	28.75	57.50	115.00
6½ to 7 years	29.06	58.12	116.25
7 to 7½ years	29.37	58.75	117.50
7½ to 8 years	30.00	60.00	120.00
8 to 8½ years	30.66	61.33	122.67
8½ to 9 years	31.33	62.66	125.33
9 to 9½ years	32.00	64.00	128.00
9½ to 10 years	32.67	65.33	130.67
End of 10 years	33.33	66.66	133.33

5. Motor Vehicles

The value of automobiles, trucks, motorcycles, etc., shall be determined from the license fee recorded on the State Motor Vehicle Department registration card. The registration card issued by the Motor Vehicle Department must be carried in every motor vehicle which is taxed by that department. On the registration card (white slip) for passenger cars is recorded the registration fee ($6.00) and the vehicle license fee which varies in accordance with the value. The amount of the vehicle license fee appears in the space marked "Veh. Lic. Fee" on the line above the space provided for "legal owner." The vehicle license fee shall be recorded in the case record.

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SERIES E WAR BONDS

Year After Month of Issuance	$25	$50	$100
--½	$18.75	$37.50	$75.00
½--1	18.75	37.50	75.00
1--1½	18.87	37.75	75.50
1½--2	19.00	38.00	76.00
2--2½	19.12	38.25	76.50
2½--3	19.25	38.50	77.00
3--3½	19.50	39.00	78.00
3½--4	19.75	39.50	79.00
4--4½	20.00	40.00	80.00
4½--5	20.25	40.50	81.00
5--5½	20.50	41.00	82.00
5½--6	20.75	41.50	83.00
6--6½	21.00	42.00	84.00
6½--7	21.50	43.00	86.00
7--7½	22.00	44.00	88.00
7½--8	22.50	45.00	90.00
8--8½	23.00	46.00	92.00
8½--9	23.50	47.00	94.00
9--9½	24.00	48.00	96.00
9½--10	24.50	49.00	98.00
10	25.00	50.00	100.00

Example: A $25 Series E Bond purchased June 24, 1948 was worth $18.75 through May 31, 1949. On June 1, 1949 (the first day of the anniversary month), the value increased to $18.87, on December 1, 1949, to $19.00, on June 1, 1950 to $19.12, etc., according to the values given on the back of the Bond.

On May 1, 1951, the first Series E bonds reached maturity. These may be cashed, held, or exchanged for Series G bonds.

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6. Insurance

The net cash surrender value of insurance (i.e., the cash surrender value less any loans and unpaid interest thereon) shall be verified by inspecting the applicant's and spouse's (if premiums are paid from community funds) insurance policy or policies. If these documents are not available or the net cash surrender value cannot be determined by such inspection, verification shall be made through correspondence with the insurance company. The net cash surrender value of the insurance and how it was verified shall be recorded in the case record.

Annuities usually are irrevocable and have no cash or loan value. If annuities have a cash surrender value, such value shall be considered as personal property.

Dividends which remain with the insurance company and are available to the applicant upon demand represent personal property which must be considered in determining eligibility.

Most insurance policies do not become due and payable until the death of the insured. Endowment policies, however, become payable at the expiration of a specified period. The amount payable must be included in determining personal property holdings as of the date on which it becomes payable, even though the insured may elect to leave the funds on deposit with the insurance company.

Some insurance policies specifically provide for cash selective age benefit payments at a certain age upon surrender of the insurance certificate. The amount of the cash selective benefit which is always less than the face value of the policy, is considered to be the cash surrender value of the policy as of the date on which the insured reaches the specified age.

7. Burial Insurance

Burial insurance, i.e., paid-up insurance of the type which is payable only at death, shall be evaluated at it's face value up to $500. Burial insurance which requires premium payments or membership in good standing in a lodge, union or other organization is not "paid-up" insurance and no value shall be placed upon such insurance.

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The registration card for trucks shows the registration fee, the truck weight fee, and the vehicle license fee. Use only that amount which is recorded in the space marked "Veh. Lic. Fee."

A schedule of the vehicle license fees and the values which they represent follows:

V.L.F.	Value of Vehicle	V.L.F.	Value of Vehicle
$1.00	$ 37.00	$13.00	$ 650.00
2.00	105.00	14.00	695.00
3.00	150.00	15.00	755.00
4.00	200.00	16.00	805.00
5.00	250.00	17.00	850.00
6.00	295.00	18.00	905.00
7.00	355.00	19.00	950.00
8.00	405.00	20.00	1000.00
9.00	450.00	21.00	1050.00
10.00	505.00	22.00	1095.00
11.00	550.00	23.00	1155.00
12.00	600.00	24.00	1205.00

The foregoing table cannot be used to determine the value of new automobiles purchased within the current calendar year. Likewise it cannot be used to determine the value of second hand cars previously registered in another state but bought by recipients during the current calendar year. Should it become necessary to determine the market value under either circumstance notify the State Department of Social Welfare of the month within the current calendar year in which the car was purchased and the amount of the vehicle license fee as shown on the white slip. The State Department of Social Welfare will then forward a statement of the market value to be used in determining eligibility.

Should it be necessary to determine the value of a motor vehicle the vehicle license fee for which is in excess of $24, add to $1205 that value in the foregoing table which is opposite the amount by which the vehicle license fee exceeds $24.

When motor vehicles are being purchased under a contract of sale, the market value of the purchaser's equity, rather than the value of the vehicles, determines the personal property value of the vehicles.
(See Sec. A-730, Resources which Represent Personal Property, Item 10.)

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When the judgment is against other than a solvent corporation the county shall make a complete investigation, e.g., a credit report, of the ability of the judgment debtor to pay. Determination of the market value of the judgment shall then be secured through a bank or a person qualified to make such an appraisal.

Uncollectible judgments shall not be considered in determining eligibility of the judgment creditor.

All data relating to the value of judgments including the source shall be recorded in the case record.

13. Interest in Property Transferred to Non-Profit Institution

The value of any resulting interest in real or personal property transferred to a non-profit institution shall be determined in accord with Sec. A-770, Assignment of Property to Non-Profit Institution. (W&IC 2140, 2163, 2163.4)

A-740 DIFFERENTIATION OF PERSONAL PROPERTY AND INCOME A-740

When money is received by a recipient, decision must be made as to whether such money represents income or whether it represents personal property immediately upon receipt. In general, the source of the money and the recurrence of the payment are the determining factors. Net proceeds from the following sources are to be considered personal property:

1. Payments received because of judgments or as out-of-court settlements, or non-recurring lump sum payments received because of compensation laws; as used herein judgment refers to a punative judgment granted because of damages sustained by the person or his property; (See Sec. A-735, Evaluation of Personal Property, Item 12.)
2. Personal property received through inheritance, either by will or succession;
3. Cash received in a lump sum by the insured from the surrender or maturing of insurance policies;

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8. Burial Trust or Similar Funds

The amount of funds placed in a burial trust or any similar fund earmarked for burial purpose shall be included in computing total personal property holdings.

9. Interment Plot

Space intended for interment purposes shall be considered to have a value of $50 irrespective of the fact that the purchase price may have exceeded this amount.

10. Business Enterprises

The current market value of an applicant's interest in the stock on hand, fixtures and equipment, and the "accounts receivable" of business enterprises shall be estimated by a representative of a collection agency, a retail credit association or other organization or person qualified to make such an appraisal.

To be of value "accounts receivable" must be valid and collectible. Their value will vary with the age of the account, the credit of the debtors and the regularity with which payments have been made. The current market value and the source through which it was determined shall be recorded in the case record.

11. Farm Equipment, Livestock and Fowl

The current market value of farm machinery and equipment, such as tractors, cultivators, etc., and livestock and fowl shall be secured from county agricultural agents, the Farm Security Administration, the Federal Land Bank, or other firms or individuals qualified to estimate the re-sale value of such holdings.

12. Uncollected Judgments

The value to a judgment creditor of an outstanding judgment against a solvent corporation shall be the amount of the judgment plus accumulated interest thereon.

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REAL AND PERSONAL PROPERTY

A-745 ENCUMBRANCES A-745

An encumbrance is any debt for which property is held as security. It must be a written record the discharge of which requires the payment of money. The encumbrance may or may not be recorded in the county recorder's office. An unsecured debt is not an encumbrance to be deducted in determining real or personal property holdings. (Exception: Funeral expenses of a deceased spouse may be considered an encumbrance against personal property received through the death of such spouse.) (See Sec. A-760, Acquisition of Real or Personal Property.)

ENCUMBRANCES AGAINST REAL PROPERTY

The total amount of encumbrances against all of the real property owned shall be deducted from the total county assessed value of the property before determining whether real property holdings are within the $3,500 limitation. (Disregard the assessed value and encumbrances, if any, of separate property of a separated spouse.) (See Sec. A-703, Real Property Eligibility Requirements)

Some of the more common types of encumbrances are:

- Mortgages
- Notes secured by a deed of trust
- Delinquent tax liens
- Judgment liens
- Mechanics liens
- Assessments

In addition, if real property is being purchased under contract of sale the unpaid balance of the purchase price represents an encumbrance in determining the buyer's eligibility. If real property is being sold under contract of sale, the amount the buyer has paid on the principal represents an encumbrance in determining the seller's eligibility.

The amount of encumbrance against real property shall be verified. Verification can usually be obtained by inspection of the document in the owner's possession, by interview or correspondence with the holder of the mortgage or note, or through the records in the office of the recorder in the county in which the property is located. The verification and the source thereof shall be recorded in the case record.

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4. Cash received by the recipient as beneficiary of an insurance policy or policies carried by the deceased spouse, including OASI lump sum death payments received by the recipient as spouse of an insured worker;

5. Cash received as a refund of excess premium payments (special dividend) on National Service Life Insurance;

6. Non-recurrent lump sum payments received by the recipient and/or his spouse from retirement or pension systems of which he or she was a former member; for example, State Employees Retirement System, Federal Employees Retirement Fund under the U. S. Civil Service Commission, retirement plans of private corporations, etc.;

7. The net return resulting from the sale of real or personal property, including the proceeds resulting from the sale of an entire holding of livestock, poultry, etc. (Exception: Proceeds (cash and securities) received from the sale of the home shall not be considered in determining personal property holdings for 6 months after receipt, provided the proceeds are to be used to purchase another home;) **(See Sec. A-765, Conversion of Real or Personal Property.)**

8. Personal income tax refunds.

A-755 PROPERTY OUTSIDE THE STATE A-755

The value of real or personal property located in another state or country shall be considered in determining eligibility. Although the assessment rates in other states may not be the same as in California, the assessed value as set by the other state, shall be used in computing total real property holdings. Questions regarding property outside the state may be cleared with the county assessor or other public official in the locality in which the property is located.

When property is located outside the United States, the assessed or market valuation shall be considered on the basis of rate of exchange in American dollars, regardless of manner by which other units of government determine the assessed value of such property, e.g., if the Mexican Consul advised that property in Mexico was assessed at 1000 pesos and rate of exchange was 5 pesos to 1 dollar, the assessed value of the property would be $200.

To obtain information regarding property located outside the United States, various sources are used. When no language barrier exists, the county may correspond with the unit of government or public official concerned. When a language barrier exists, inquiry is generally directed to an American Consul in the country concerned. The nearest representative of the other country may also be consulted.

During a period of hostilities, continued ownership of property located in countries actively at war, or in conquered or occupied areas, is in doubt and the value, if any, of the holdings can not be ascertained. When it is impossible to obtain reasonably positive evidence of eligibility or ineligibility with respect to property located in such countries, it is the presumption that continued ownership is in doubt and that such property has no present value in determining eligibility. Upon cessation of hostilities, verification shall be made through the usual sources. (W&IC 2140, 2163, 2165)

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ENCUMBRANCES AGAINST PERSONAL PROPERTY

The total amount of encumbrances against all of the personal property owned shall be deducted from the total market value of that property before determining whether personal property holdings are within the statutory maximum. (Exception: The value of the personal effects of the applicant or recipient are excluded when determining the total value of personal property holdings. Likewise any encumbrances against personal effects shall be disregarded.)

Some of the more common types of encumbrances are:

Loans, including those for which stocks or bonds are collateral
Attachments for debts, taxes, etc.
Chattel mortgages
Liens

Encumbrances on personal property shall be verified except when the total market value of personal property is well within the maximum. The applicant or recipient may have documents in his possession through which verification can be secured. In some instances it may be necessary to secure verification through other private or public sources such as banks, recorder's office, etc. The verification and the source thereof shall be recorded in the case record. (W&IC 2140, 2164, 2165; AGO NS 5134, NS 2387, NS 4943)

A-750 LIENS AGAINST PROPERTY FOR AID GRANTED A-750

The aid paid to eligible persons under the Old Age Security Law does not represent a debt to be repaid. The aid granted and paid to such persons shall not constitute a lien upon any property owned by them.

The foregoing does not prohibit the filing of a lien against property of a recipient who received aid to which he was not entitled provided the circumstances were such that repayment is due and has not been made. (See Sec. A-1372, Plan for Collection of Overpayments of Aid.) (AGO NS 4473)

A-765 (Continued) A-765

Example: A recipient of OAS sold real property assessed at $1000 for cash amounting to $2300 on July 15. A week later he purchased property assessed at $1300 for $2400 cash. He had reported $250 cash on hand at time of last reinvestigation. Had his personal property assets exceeded the amount allowed in OAS on August 1, he would have been ineligible for aid on that date. Since he converted his personal property holdings into real property before that date, he was eligible for the August payment as the assessed value of the new property, together with the county assessed value of his other real property, was not in excess of that permitted by the OAS Law.

Personal property of one type may be converted into personal property of another type, and eligibility continue, so long as the value of personal property holdings does not exceed the maximum allowable under the law, e.g., the exchange of stocks and bonds for cash, or the exchange of equipment for a car and vice-versa.

If the applicant or recipient sells real property (title passing to the buyer) and plans to utilize the proceeds from such sale to purchase a home for his own occupancy, the proceeds from such sale represent real property until the purchase is made, or the expiration of six months from the time of receipt of the proceeds, whichever is earlier. The county assessed value of property sold shall be used in determining the real property value of proceeds from sale of the home.

If a home is purchased within a six month period and the cost of the home is less than the proceeds received from sale of real property, the balance shall be considered personal property as of the first of the following month. However, if the recipient must make immediate repairs in order that the purchased property will provide a suitable home for himself, allowance for the cost of such repair shall be made when determining whether the cost of the home is less than the proceeds received from the sale.

Inquiry shall be made regarding the applicant's or recipient's plan for using such funds as soon as information regarding the sale is received. The plan, as reported by the applicant or recipient shall be recorded in the case record. (W&IC 2140, 2165d)

A-760 ACQUISITION OF REAL OR PERSONAL PROPERTY A-760

Real or personal property may be acquired (by purchase, exchange, inheritance or gift) without affecting eligibility for aid provided the value of such property, together with other property holdings, does not exceed the limitations provided in the law. (Exception: When a recipient receives personal property through the death of a spouse such property may be considered as being encumbered or charged with the funeral expenses of the deceased. If all or part of such property is to be used to defray such expenses, these funeral costs shall be deducted in determining the amount received by the recipient.)

If a recipient or spouse purchases property, the terms of the purchase and plan of payment shall be ascertained. If it does not appear that the payments can be met out of the known resources and the grant, the possibility of unknown assets or income should be explored.

The use of personal property, even in excess of the maximum allowed, for purchase of real property does not result in ineligibility if the county assessed value thereof, together with other real property, is not in excess of the allowable maximum.

Property acquired by inheritance or gift is the separate property of the person receiving it.

It is the responsibility of recipients to notify the county of the acquisition of any property. (W&IC 2140)

A-765 CONVERSION OF REAL OR PERSONAL PROPERTY A-765

Real property may be converted to personal property, and vice-versa, without causing ineligibility provided the real or personal property received together with other real or personal property holdings are not in excess of the maximum permitted in the code. The status on the date that the warrant is due for delivery determines eligibility to continue to receive aid.

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A-770 ASSIGNMENT OF PROPERTY TO NON-PROFIT INSTITUTION A-770

An inmate of a fraternal, benevolent or other non-profit institution who assigns or has in the past assigned to such home or institution personal or real property is no longer owner of title to such property. However, in the absence of a life-care contract the inmate may own a valuable right or interest which represents personal property regardless of whether the property assigned was personal or real. If the applicant is otherwise eligible for aid the present value of such right or interest shall be considered in determining eligibility.

If the inmate in question owns no personal property other than that assigned to the institution and the value of the property when assigned was not in excess of the code limitation, such applicant, from a personal property standpoint, would be entitled to aid. If the inmate owns personal property other than that assigned to the institution or if the value of the property assigned was in excess of the code limitation, the present value of the applicant's right or interest shall be determined.

The present value of the applicant's right or interest shall be ascertained by deducting from the estimated value of the property at the time of assignment, the value of care and maintenance extended to the applicant by the home or institution since the date of assignment. Real property transferred to the institution may be valued at twice the county assessed value at the time of transfer. When questions arise as to the value determined by this method an appraisal, related to the value of the property at the time of transfer, may be secured from a real estate agent or some other qualified source. The value of care and maintenance shall be determined by computing the total cost of care extended by the institution based on the monthly per capita cost together with any other extra expenditures made by the institution for the applicant since the date of property assignment. (W&IC 2140; AGO 5220)

A-820 RESPONSIBILITIES INVOLVED IN TRANSFERS OF PROPERTY A-820

The applicant, the recipient, the county and sometimes other persons have certain responsibilities when property transactions occur.

Applicants and recipients are responsible, insofar as able, for giving all available information to assist the county in determining whether the transfer was made in order to qualify for aid. Recipients are also responsible for immediately notifying the county of any transfer which occurs after aid is granted.

Any person who assists an applicant in transferring property, knowing the property owner is an applicant for or recipient of OAS, is responsible for giving the county 15 days advance notice of the intention to make the transfer.

The county is responsible for examining and weighing all of the facts surrounding transfer of property and for determining whether or not eligibility is affected. In making this determination the county shall determine:

1. The reason for the transfer (see Sec. A-830, Determination of Reason for Transfer of Property).

2. Whether the property which was transferred was real or personal property. This is sometimes difficult to establish because the transfer occurred under escrow. In such cases, the determination shall be made on the basis of the instructions given by the applicant or recipient to the escrow agency. If the latter was instructed to convert the property to cash or to a deed of trust or any other type of personal property in the name of a person other than the applicant or recipient, the property shall be considered to be personal property. Likewise, if instructions to the escrow agency are to make the transfer in the form of another type of real property, the property shall be considered real property. (W&IC 2007.5, 2140, 2160g)

A-800 ELIGIBILITY REQUIREMENTS A-800

An applicant or recipient renders himself ineligible for OAS if he transfers real or personal property to qualify for aid or for a greater amount of aid than that to which he would otherwise be entitled. (W&IC 2140, 2160g, 2164)

A-810 INVESTIGATION OF TRANSFER OF PROPERTY A-810

If the applicant states that no transfer of real or personal property was made during the two years preceding application, his statement shall be recorded in the case record, and no further investigation with respect to transfer or property is necessary, unless conflicting information arises.

If the applicant states that a transfer of property was made during the two years prior to application, or conflicting information regarding transfer of property arises, all circumstances surrounding the transfer shall be evaluated in order to determine whether it was made in order to qualify for aid. Information may be secured from documents in the applicant's possession supplemented by a search of the records of county assessor, tax collector, or recorder when indicated. If the facts support the grantor's statement that there was no intent to qualify, aid shall be granted if other eligibility requirements are met. Otherwise, aid shall be denied. The case record shall contain all pertinent information regarding the transfer of property and the basis on which determination was made that the transfer did or did not affect eligibility.

If a transfer of property is discovered subsequent to the granting of aid, eligibility shall be redetermined in the light of the new information. The facts regarding the transaction shall be recorded in the case record. (W&IC 2007.5, 2140, 2160g)

A-840 TRANSFERS OF REAL OR PERSONAL PROPERTY WHICH DO NOT RESULT IN INELIGIBILITY A-840

A. TRANSFER OF PROPERTY FOR FAIR CONSIDERATION

A transfer of property in which the grantor receives adequate consideration in return for his equity in the property does not result in ineligibility, presuming the remaining personal property does not exceed the maximum allowed. Consideration may be in the form of any other type of property such as money, securities, real estate, etc. (See Sec. A-765, Conversion of Real or Personal Property.)

A fair consideration does not necessarily imply full reimbursement for all funds expended on the property transferred. Changing property values often result in receipt of less than the investment. A reasonable estimate of the equity may be obtained by deducting the amount of indebtedness against the property from the current market value. Persons who know local real estate values, such as local bankers or licensed real estate brokers, may be consulted for such an estimate.

If the applicant transferred real property more than 2 years prior to the date of application, retaining life estate in the property, it is the presumption, which may be refuted by factual evidence, that the transfer was made in good faith and not in order to qualify for aid. There must be written evidence of life estate. Such evidence may appear in the body of the deed which is executed and delivered to the remainderman or may be evidenced by a separate written agreement between the parties, wherein the remainderman conveys a life estate to another and retains the remainder for himself. In order for the evidence to be complete and acceptable, such an agreement must be recorded. (When it is established that the property was encumbered by the remainderman, either before or after the execution of the agreement creating the life estate and the agreement stipulates that the remainderman is responsible for payment of such encumbrance, payment made by the remainderman on such encumbrance does not represent income to the recipient.) (W&IC 2140, 2222, AGO NS2291)

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A-830 DETERMINATION OF REASON FOR TRANSFER OF PROPERTY A-830

Determination as to whether or not a transfer of property was made for the purpose of qualifying for aid or for a greater amount of aid involves the applicant or recipient's intent. Careful consideration must therefore be given to the reason for the transfer, as expressed by the applicant or recipient, and to the circumstances surrounding the transfer. Some of the factors to be considered are:

1. The value of the property, including the amount of any mortgage, delinquent taxes, or other assessments and encumbrances which affect the value of grantor's equity;

2. The value of remaining property;

3. Date of the transfer in relation to the date of the application for aid;

4. Date of the transfer of real property in relation to the date on which the applicant or recipient was advised that real property must be utilized; (See Sec. A-715, Utilization of Real Property and Sec. A-850, Transfers of Real Property Which Result in Ineligibility, Item C.)

5. Consideration received; (See Sec. 840, Transfers of Real or Personal Property Which Do Not Result in Ineligibility, Item A.)

6. Reason for the transfer;

7. Amount of income derived from the property;

8. Physical ability of the grantor to continue the operation that produced the income; efforts toward lease or sale of property in the event of inability to continue its operation;

9. Person in receipt of any income prior and subsequent to the transfer;

10. Threat of foreclosure, if any; (see Sec. A-840, Transfers of Real or Personal Property Which Do Not Result in Ineligibility, Item C.)

11. Ability of grantor to meet mortgage or assessment payments. (See Sec. A-840, Transfers of Property Which Do Not Result in Ineligibility, Item C.) (W&IC 2140)

A-840 (Continued) A-840

4. Was the debt declared during the investigation of the application for aid?

5. Are there other persons having intimate knowledge of the transaction who will make affidavit thereto including the facts on which their knowledge is based?

6. Are there receipted bills, canceled checks, letters, etc. supporting the statement that the obligation exists? (W&IC 2140)

C. TRANSFER OF PROPERTY WHEN FORECLOSURE IMMINENT

Transfer or assignment of property when foreclosure or repossession is threatened, or when it is clear that such property cannot be retained, does not result in ineligibility unless there is evidence of collusion. If notice of foreclosure has been given, the giving of a quit claim deed to the mortgagor would not necessarily be a disqualifying factor. This applies regardless of the value of the property.

When there is evidence that a grantor was unable to refinance the property due to the necessity for payment of a substantial sum on the principal or because of his advancing years and diminishing ability to repay, the transfer may be held to involve property in which foreclosure was imminent.

When property is transferred because of imminence of foreclosure, the possibility of the grantor receiving cash or its equivalent such as free rent in return for any equity he may have had in the property shall be explored.

Example: The transfer of property without consideration, involved farm or other income-producing property and was said to have been made because of grantor's inability to operate the property due to advanced years or physical impairment. Upon a showing that a reasonable effort to sell the property has been unsuccessful, that the property could not be leased, or otherwise utilized the transfer is determined not to have been made for the purpose of qualifying for aid or for a greater amount of aid.

(Section Continued on Next Page)

A-840 (Continued) A-840

B. TRANSFER OF PROPERTY TO SATISFY DEBT

A transfer of property to satisfy a bona fide debt or obligation in an amount which represents a reasonably adequate consideration for the grantor's equity does not result in ineligibility.

When satisfaction of a debt is given as the reason for a transfer of property, existence of the obligation and its amount shall be verified. Evidence which may be considered in proving the existence of an obligation includes promissory notes, receipted bills, records of payments on account or bank books, affidavits or creditors or other responsible persons, etc.

Due to the mutual obligation existing between parent and child, support given by one to the other is not held to represent a valid debt unless there is evidence that the child became indebted in order to render the assistance or that the assistance given otherwise resulted in undue hardship on him or his immediate family.

Complete information shall be secured regarding any loan from a legally responsible relative for which transfer of property was intended as repayment. The following questions suggest the type of information to be secured when investigating such a transfer of property to a relative in satisfaction of a past obligation:

1. Had the responsible relative reached his majority at the time the purported loan was made? (If the relative was a minor, there is the possibility that his earnings and services were legally the property of his parent.)

2. Were the resources of the responsible relative when the purported loan was made such that he might reasonably have advanced the sum in question?

3. If the child himself became indebted in order to negotiate the loan, is there evidence to establish this fact?

(Section Continued on Next Page)

A-850 (Continued) A-850

It is necessary, therefore, that property transfers occurring within the 2 years prior to the date of application, or since June 30, 1950, whichever is the later date, shall be examined and weighed.

Example: An applicant owns farm land having a current rental value of $500 a year. His son is farming the land, rent free. There is no evidence of indebtedness or obligation to the son. On May 7, the applicant is advised that he must utilize the property and that his plan to permit his son to continue using the land without payment of rent does not satisfactorily meet the utilization requirement. On May 21, the applicant transfers the farm land to the son without consideration. It is determined to have been a transfer to avoid utilization of real property, resulting in ineligibility.

Should the property which was transferred, and which caused ineligibility, be reconveyed to the grantor, or should he receive reasonably adequate consideration for it subsequent to its transfer, the condition which caused ineligibility would no longer exist. Under such circumstances aid shall be granted provided eligibility otherwise exists. (W&IC 2007, 2007.5, 2140, 2160g, 2163, 2165; AGO NS3782)

A-860 DURATION OF INELIGIBILITY DUE TO TRANSFER OF REAL PROPERTY A-860

The period of ineligibility following transfer or real property for the purpose of reducing remaining holdings within the statutory maximum, or for purpose of avoding utilization of property within that limitation, begins the first day of the month following that in which such property was transferred.

The period of ineligibility following transfer of property in order to reduce remaining holdings within the statutory maximum, or for the purpose of avoid- utilization of property within that limitation, shall not be extended because of income received during that period.

Aid paid to a recipient during the period of ineligibility shall not be considered in determining the period of ineligibility. Demand shall be made for repayment of all aid granted during such period.

(Section Continued on Next Page)

A-840 (Continued) A-840

D. TRANSFER OF SEPARATE PROPERTY OF SPOUSE

The transfer by a spouse of his or her separate property does not affect the eligibility of the other spouse. (W&IC 2140; AGO 49/241)

A-850 TRANSFERS OF REAL PROPERTY WHICH RESULT IN INELIGIBILITY A-850

A. TRANSFER OF REAL PROPERTY IN RETURN FOR LIFE CARE

The transfer of property subject to the conditions that the grantee will provide full support for the grantor for the remainder of his life, renders the grantor ineligible as he has entered into a contract for life care. If an enforceable contract of this nature provides for less than full support, the value of the support provided shall be considered income.

B. TRANSFER OF REAL PROPERTY FOR THE PURPOSE OF REDUCING REMAINING HOLDINGS WITHIN THE STATUTORY MAXIMUM

The transfer of property in order to reduce remaining holdings within the statutory maximum results in ineligibility. (If the property was transferred more than 2 years prior to the date of application, it is the presumption that the transfer was made in good faith and not for the purpose of qualifying for aid.)

C. TRANSFER OF REAL PROPERTY FOR THE PURPOSE OF AVOIDING UTILIZATION

Even though net county assessed value of real property owned by an applicant or recipient is within the statutory maximum, a transfer of all or a portion of such property renders the person ineligible if the transfer was made:

1. To avoid utilization of the property to meet current needs, or

2. To safeguard his future eligibility status by divesting himself of proceeds which he would receive if the property were to be sold.

(Section Continued on Next Page)

A-860 (Continued) A-860

Two or more transfers may have occurred on different dates the combined total of which reduced remaining holdings within the maximum. The total estimated net market value of all of the parcels transferred shall be divided by the appropriate monthly maintenance allowance, and the expiration of the period of ineligibility shall be figured from the first of the month following that in which the first transfer occurred.

2. Transfer for Purpose of Avoiding Utilization Requirement

An applicant or recipient owning real property within the statutory maximum may have transferred certain of the real property in order to avoid utilization of the resource. (See Sec. A-715, Utilization of Real Property.) The period of ineligibility following such a transfer shall be determined as specified in the preceeding item, Transfer for Purpose of Reducing Remaining Holdings Within the Statutory Maximum.

Example: A single recipient whose total real property had a net county assessed value of $1200 gave his son farm property assessed at $700 on February 1. The estimated market value was $1550 and there was $300 owed on a mortgage against the property on February 1. The net market value is $1250. This amount divided by $150 (the maintenance figure for one person) is 8.3 or 8 months. The recipient is ineligible for 8 months computed from March 1, or until the following October 31. (W&IC 2140, 2160g)

A-870 TRANSFERS OF PERSONAL PROPERTY WHICH RESULT IN INELIGIBILITY A-870

A. Transfer of Personal Property in Return for Life Care

(See Sec. A-850, Transfers of Real Property Which Result in Ineligibility, Item A.)

B. Transfers of Personal Property for Purpose of Reducing Remaining Holdings Within the Statutory Maximum

(See Sec. A-850, Transfers of Real Property Which Result in Ineligibility, Item B.)

(Section Continued on Next Page)

A-860 (Continued) A-860

The duration of the period of ineligibility shall be based upon the period that a reasonable return for the grantor's equity in the property, had it been sold, would have supported the grantor and those dependent upon him. The following scale shall be used to determine the monthly maintenance allowance for an individual with, and without, dependents: (A dependent is one whose major support has come from applicant or recipient.)

One person	$150
One person with one dependent	200
One person with two dependents	250

The maintenance figure shall be increased by $50 for each additional dependent.

1. Transfer for Purpose of Reducing Remaining Holdings Within the Statutory Maximum

If the facts establish that real property was transferred for the purpose of reducing remaining holdings within the statutory maximum, the period of ineligibility shall be determined as follows:

a. Determine the estimated net market value of the transferred property at the time the transfer occurred. Net market value is the market value less the encumbrance, if any, at the time of transfer. If it is not possible to secure an estimate of the market value at that time, use that figure which represents double the assessed value at the time the transfer was made.

b. Divide the net market value of the transferred property by the appropriate monthly maintenance allowance, and adjust the result to the nearer whole number.

Example: An applicant having one dependent transferred an unencumbered parcel of property assessed at $1000 last April 6th, thereby reducing the net assessed value of remaining holdings to $2900. The estimated market value of the transferred parcel was $2100 at the time of transfer. The appropriate maintenance figure is $200 and the period of ineligibility is 10.5 ($2100 divided by $200) or 11 months. The period of ineligibility, figured from May 1 (the first month following that in which the transfer occurred) expires March 31 of the following year.

(Section Continued on Next Page)

A-880 (Continued) A-880

If the facts establish that an applicant or recipient transferred personal property for the purpose of qualifying for aid or for a greater amount of aid, the period of ineligibility shall be determined as follows:

1. Determine the amount by which the value of the total personal property holdings exceeded the statutory maximum at the time of the transfer.

2. Divide that amount by the appropriate monthly maintenance allowance (i.e., $150 in the case of a single recipient without dependents; $200 for a married person living with a spouse and having no other dependents, etc.) and adjust the result to the nearer whole figure. This results in the number of months during which the applicant or recipient is ineligible for aid on this basis.

Example: A single OAS applicant applying in August transferred $1800 to a son the previous April 15, which transfer was made for purpose of qualifying for aid. Immediately preceding the transfer the value of applicant's total personal property holdings was $2300 ($1800 bank account and savings bonds, the market value of which was $500). The excess was $1100. This amount divided by $150 is 7.33 months, 7 months when reduced to the nearer whole figure. The period of ineligibility figured from May 1 (the first of the month following that in which the transfer occurred) expires November 30 of the same year.

If there were two or more transfers, each of which reduced total holdings within the maximum, the same method outlined above shall be used for each transfer. The period of ineligibility shall then be the sum of the periods resulting from each transfer and shall extend from the date of the first transfer.

(Section Continued on Next Page)

A-870 (Continued) A-870

C. Transfer of Income Producing Personal Property

Transfer of income producing property for the purpose of qualifying for a greater amount of aid results in ineligibility. There is a presumption, which may be refuted by factual evidence that transfer of income producing property was made for the purpose of qualifying for a greater amount of aid.

Should the property which was transferred, and which caused ineligibility, be reconveyed to the grantor, or should he receive reasonably adequate consideration for it subsequent to its transfer, the condition which caused ineligibility would no longer exist. Under such circumstances aid shall be granted provided eligibility otherwise exists. (W&IC 2140, 2160g, 2165)

A-880 DURATION OF INELIGIBILITY DUE TO TRANSFER OF PERSONAL PROPERTY A-880

The period of ineligibility following (1) transfer of personal property for the purpose of reducing remaining holdings within the statutory maximum or (2) transfer of income producing property for the purpose of qualifying for a greater amount of aid, begins the first day of the month following that in which such property was transferred.

Neither income received during the period of ineligibility nor aid paid to a recipient during that period shall be considered in determining the period of ineligibility. The duration of the period of ineligibility shall be computed on the basis of a monthly maintenance allowance of $150 for one person, $200 for one person with one dependent, etc. (See Sec. A-860, Duration of Ineligibility Due to Transfer of Real Property.)

(Section Continued on Next Page)

A-880 (Continued) A-880

If a series of transfers occurred, some of which did not reduce personal property holdings within the maximum, but the net result of the several transfers is determined to have been for the purpose of reducing the remaining holdings within the maximum, the same method of computation for determining the period of ineligibility as outlined following a single transfer for the purpose of qualifying for aid shall be used except that all transfers shall be considered to have occurred on the date of the first transfer and the period of ineligibility shall begin with the date of the first transfer.

Example: A single OAS recipient who applied in December owned personal property, the market value of which was $1500 the previous February. In March he gave $1000 to a daughter, thus reducing his total holdings to $500. In May he received $800 from sale of a piece of real property, thus raising his personal property holdings to $1300. On May 20 he gave his son $800, thus reducing his remaining personal property within the maximum. Compute the period of ineligibility resulting from the transfer in March. Compute the period of ineligibility resulting from the transfer in May. The sum of the two periods represents the total period of ineligibility. (W&IC 2140, 2160g, 2163)

A-910 (Continued) A-910

3. Is staffed by professional medical and professional nursing personnel who have clear and definite responsibilities to the institution in the provision of medical services to patients.

A "patient" in a public medical institution is defined as:

1. A person who is in a public medical institution because of an illness for which he is receiving planned, continuing medical treatment including physician's services and nursing care, directed toward improvement in health, or is receiving medical treatment for an illness for which medical measures are required though improvement in health or recovery cannot be expected, and

2. Is free to leave at the conclusion of treatment, or at any other time upon his own decision.

A person is not a patient if he is in an institution rendering infirmary or custodial care and he does not receive continuing, planned medical care even though he has a disability which prevents him from maintaining himself outside an institution. The major factor which establishes whether or not a person is a "patient" is the individualization of medical care received in "patient" care as distinguished from congregate services.

A county institution, as the term is used in W&IC 2160.7, is an institution established and maintained by a county for the purpose of rendering medical or surgical care to the sick or wounded or where the infirm are given shelter and maintainance. County institution includes a private hospital which, pursuant to contract with the county accepts patients for medical, hospital, or infirmary care at county expense.

A private institution is defined as a facility managed and controlled by an association or corporation, or by an individual, for the purpose of giving shelter and/or care to groups of people, and which receives no support from public funds. The state, its agencies or subdivisions, may exercise control in regulating the standard of care and maintenance, or the care of individuals may be paid for on an individual basis by a governmental instrumentality without affecting the status of such facility as a private institution. A private institution may be commercial, non-profit, fraternal or benevolent. (W&IC 2140, 2160.7, FSSA AGO 48/176)

A-920 ELIGIBILITY WHILE IN A PUBLIC INSTITUTION A-920

An inmate of a public institution may apply for aid, and if otherwise eligible, aid shall be granted from the first day of the month in which the determination is made that he is eligible, provided he plans to cease to be an inmate in that month, but in no event shall the aid commence prior to the date of application.

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A-900 INSTITUTIONAL CARE--GENERAL A-900

The Old Age Security Program has been established primarily to provide care for a person in his own home, as the preservation of satisfactory home and family life is one of the major goals of a welfare program. Aid shall be granted to a person in his own or some other suitable home of his own choosing, in preference to placing him in an institution. Institutional care, however, may sometimes be necessary. Some physical and mental illnesses may be cared for best in institutions. When constant care is required, few homes can adequately meet the need. The right of a person to make his own living arrangements includes his right to live in a boarding home or private institution of his own choice.

Eligibility is not dependent upon the licensing or approval of the boarding home or private institution in which an applicant or recipient is living. (W&IC 2005)

A-910 DEFINITIONS A-910

The term public institution may be considered as including a place of residence which affords shelter or care to two or more persons and is managed in whole or in part by or through any public instrumentality, official, or employee acting in an official capacity; or a place of residence, which, by reason of the circumstances of its origin and charter or maintenance from public funds, may properly be termed a public institution; or a place of residence in which collective shelter or care at a single or lump sum contract price is afforded to two or more persons by agreement with the state or any of its political subdivisions for a consideration of money or money's worth.

A public medical institution is one which:

1. Is maintained in whole or in part by or through any public instrumentality, official or employee, acting in an official capacity or, by reason of the circumstances of its origin and charter or maintenance from public funds. (It does not include a private institution which by agreement with a public instrumentality is offering care at a single or lump sum contract price.)

2. Is operated for the purpose of providing medical care, including nursing and convalescent care, and has the necessary professional personnel, equipment and facilities to meet the medical needs of patients on a continuing basis in accordance with accepted standards.

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A-920 (Continued)

State of California Department of Social Welfare

CERTIFICATE OF DELIVERY OF PAYMENT OF AID

*To: State Department of Social Welfare
616 K Street
Sacramento, California

County_____

County No._____

State No._____

Date_____

THIS IS TO CERTIFY, That_____
Name of recipient

left_____ on_____
Institution Date

and that on_____ I personally delivered to the above named
Date

grantee, Warrant No._____ in the amount of $_____ for the month of_____

representing aid provided under the_____
Indicate type of aid

I further certify that at the time and place of delivery of this warrant that recipient was not an inmate of a public institution.

Signature_____

Title_____

Note.--This form is to be completed and certified by the person delivering the second month's warrant to an applicant who was in a public institution when his application was granted and who received the warrant for the first month for which aid was granted while an inmate of the institution.

*It is no longer necessary to send a copy of this form to the SDSW.

Form AB 231 (revised) -- March 1950

A-920 (Continued) A-920

Not more than one warrant may be delivered to the applicant at the public institution. The applicant must move from the institution as soon as possible after receiving his first warrant. As evidence that an applicant whose application was granted while an inmate of a public institution, and who received his first warrant while in the institution, ceased to be an inmate following receipt of that warrant a Certificate of Delivery of Payment of Aid (Form AB 231) relating to the warrant for the second month shall be completed and filed in the county case record. The county official or other person delivering the warrant certifies on AB 231 to the day the applicant left the institution and the date the warrant was delivered. (See Sec. A-252, Applications of Persons on Leave from State Hospitals)

A recipient who enters a public institution of a custodial or correctional character is not eligible to receive further aid, and aid shall be discontinued as of the last day of the month in which a recipient enters such institution. (See Sec. A-990, Subvention for County Hospital or Infirmary Care)

If aid was discontinued because of confinement in a public hospital or in a public institution of a custodial or correctional character, and the person is subsequently released, aid may be restored for the balance of the month during which the person was not an inmate. In order for aid to be restored effective with the date of release, such restoration must have been authorized by the board of supervisors at the same time aid was discontinued, or by action of the board of supervisors during the month the person was released.

When aid is restored following discontinuance because the recipient entered a county public institution, Form AB 231 need not be completed but the Notice of Change (Form Ag 232) shall show the date the recipient left the institution. When the Form Ag 232 restoring aid is prepared in advance on the basis of the anticipated date when he will leave the institution, Form AB 231 shall be completed as evidence that he left the institution on or prior to the effective date of restoration.

The above procedure does not apply when payment is continued for two calendar months while confined in a public medical institution. Aid is payable to such recipients after admittance to the institution in accordance with Sec. A-930, Eligibility While in a Public Medical Institution.

(W&IC 2140, 2160e, 2160.6, AGO NS4700)

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A-940 ELIGIBILITY WHILE IN A STATE HOSPITAL A-940

Court commitment to a state institution constitutes permanent confinement in a public institution and renders a person ineligible for aid. Aid shall be discontinued as of the last day of the month in which the recipient enters the institution.

Aid may be continued for a period not exceeding two calendar months for recipients who are admitted to a state hospital on a voluntary basis. (There is no federal reimbursement in payments made to persons in state hospitals for the mentally ill.)

A person on leave or parole from a state hospital may apply for and receive aid if found eligible. (See Sec. A-228, Person Making Application, and Sec. A-252, Applications of Persons on Leave From State Hospitals) (W&IC 2140, 2160e)

A-950 ELIGIBILITY WHILE IN A PRIVATE HOSPITAL A-950

A recipient who enters a private hospital may continue to receive aid while in the hospital provided he is otherwise eligible. The two calendar month limitation does not apply to private hospital care. (See Sec. A-1260, Special Need for Medical Care - item 4) (W&IC 2140, 2160e)

A-960 ELIGIBILITY WHILE IN A PRIVATE INSTITUTION A-960

A recipient of aid may enter an institution not supported in whole or in part by public funds, without affecting his eligibility for aid unless care is provided under a contract for a period of time exceeding one month. (See Sec. A-545, County Residence While in a Private Institution.)

Eligibility is not affected when a home or institution is maintained by a fraternal, benevolent or non profit organization, provided the following conditions are met:

1. There is no contract obligating the home or institution to care for the inmate for life. (See Sec. A-970, Life-Care Contracts in Private Institutions)

2. The inmate is either obligated to pay the institution for the support provided, or the value of the support given without charge to the inmate is such that his full need is not met.

3. The governing body of the institution has adopted a resolution making a bona fide request for payment for the support given in the institution.

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A-930 ELIGIBILITY WHILE IN A PUBLIC MEDICAL INSTITUTION A-930

A recipient (including those with a diagnosis of tuberculosis or psychosis) who enters a public medical institution for medical or surgical care is eligible for aid if on the first day of the month for which payment is due he has not been confined in the hospital for two calendar months and aid shall be paid. If two calendar months have elapsed since the recipient was admitted, aid shall be discontinued. (See Sec. A-990, Subvention for County Hospital or Infirmary Care)ds

Example 1: A recipient is admitted to county hospital on July 5. Aid is payable for August and for September because on the first of either month he had not been in the hospital for two calendar months. Aid is discontinued September 30.

If the recipient enters the public medical institution on the first day of the month the aid shall be discontinued effective as of the last day of the next calendar month.

Example 2: A recipient is admitted to county hospital on July 1. Aid is payable for July and August but is not payable for September, because on September 1 he had already been in the hospital for two calendar months. Aid shall be discontinued August 31.

Federal participation is available in the payment for the first and second calendar months when the institution is not maintained for the purpose of treating persons suffering from tuberculosis or mental disease and:

1. It is determined that the recipient is a "patient" in a "public medical institution" as defined in Sec. A-910.

2. The recipient does not have a diagnosis of tuberculosis or psychosis

3. There is on file in the case record a written statement from the superintendent or other official of the institution confirming the above conditions, or there is a cross reference in the case record to such statement filed elsewhere in the county welfare office.

If on the first day of the month a recipient has the status of a patient in a public medical institution, federal participation is available in the payment for the full month even though the recipient may lose "patient" status during the month by transfer to a custodial unit. (Aid shall be discontinued as of the last day of the month in which the person was transferred to a custodial unit.)

Periods of temporary hospitalization may recur, but aid shall not be paid to a recipient who returned to a hospital immediately following a temporary period of hospitalization for the same ailment which was responsible for his former hospitalization, unless the release from and subsequent return to the hospital are in accord with the recommendation of a physician. (See Sec. A-280, Restoration of Aid.)
(W&IC 2140, 2160e, AGO NS4700; FSSA)

A-970 (Continued) A-970

existence of a life care contract the facts may be submitted to the State Department of Social Welfare for decision. If investigation reveals that it is impossible for the institution to carry out its contract, aid shall be granted to residents otherwise eligible.

When the home or institution is providing any necessities for the inmate and is not requiring payment therefor from the inmate, the value of such contributions shall be considered in the same manner as other contributions in cash or in kind received from other sources. (W&IC 2020, 2140, 2160.5, AGO NS906, AGO NS4353)

A-980 DETERMINATION OF PER CAPITA COST IN PRIVATE NON PROFIT INSTITUTIONS A-980

The State Department of Social Welfare makes financial studies of the per capita cost of all institutions accepting life care contracts. Upon request it also makes such studies to determine the interest, if any, of an applicant in property transferred to a private institution without an agreement for life care. Such a report shall be requested only when as a condition of admission the applicant transferred property to the institution in such amount that the value of the applicant's resultant interest together with other personal property exceeds the statutory maximum for personal property holdings.

When the institution has not yet been studied by the State Department of Social Welfare, an estimate of the per capita cost, including a reasonable allowance for depreciation, should be secured from the institution. This tentative figure shall be used by the county pending determination of the per capita cost by the State Department of Social Welfare.

A-990 SUBVENTION FOR COUNTY HOSPITAL OR INFIRMARY CARE A-990

The county may claim payments from the state for medical, hospital or infirmary care rendered a former recipient of OAS in a county institution at county expense when all of the following conditions are met: (See definition of county institution in Sec. A-910)

1. The individual was eligible for and was receiving aid on the date of admission.

2. The individual has been continuously confined in the institution and two calendar months have elapsed since date of admission.

3. There is on file in the county the certification of the superintendent or other official of the institution that the former recipient received care in the institution during each month for which a claim is filed.

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A-960 (Continued) A-960

If such a resolution has been adopted, written notification of its requirement shall be given to the inmates, either collectively or individually, and such notification constitutes a request for payment for the support given. When payment is required a copy of the resolution shall be on file in the county. An inmate who is obligated to pay the institution for the support provided, or who receives support without charge in an amount less than total need, is eligible to receive aid when other eligibility requirements are met.

Per capita cost is not a factor in determining eligibility except as provided in Sec. A-980, Determination of Per Capita Cost in Private Non Profit Institutions.

Eligibility for admission to a fraternal home or any other home does not render a person ineligible for aid if he does not desire to avail himself of the privilege of entering such home.

An applicant who has an insurance policy providing optional life care in an institution is not required to take up such option. (W&IC 2140, 2160e, 2160.5, AGO NS5220, AGO NS3980)

A-970 LIFE CARE CONTRACTS IN PRIVATE INSTITUTIONS A-970

Residents of fraternal, non profit and benevolent institutions who have a valid and enforceable contract for support are not in need and are ineligible for aid. Persons who voluntarily cancel such a contract for the purpose of qualifying for aid are not eligible. Determination as to the reason for cancellation of the contract shall be made by the county. If the welfare of the individual requires a living plan other than that provided by continued residence in the institution, the cancellation of a contract is not considered to be for the purpose of qualifying for aid.

The payment of dues or assessments by a member, or on his behalf, which funds are used in whole or in part toward the maintenance of persons within the home or institution does not in itself entitle the member to receive care for life in the home or institution. Likewise the transfer of property to the home or institution as a condition of admittance does not in itself result in a contract for life care. The fact that the person has agreed or promised to pay for his maintenance in the event he receives a pension, bequest, device, or other inheritance is immaterial. In general an agreement which specifies that the institution may terminate the rendering of care, with or without cause, does not constitute an agreement for life care.

An investigation shall be made to determine if an inmate is legally entitled to receive care for life. This investigation shall consist of an examination of the by-laws of the institution and of the application or agreement between the inmate and the organization or other parties, such as the members of the organization. When the results of the investigation leave doubt as to the

(Section Continued on Next Page)

A-990 (Continued) A-990

The state's payment for medical, hospital, or infirmary care rendered a former recipient of OAS in a county institution is $35.20 per month or portion of a month.

In all cases where payment to the county for institutional care is to be claimed, the county board of supervisors shall take action requesting such payment in the first month for which the claim is being made, if possible.

There may be overlapping of payment to the county for institutional care and payment of aid to the individual only under the following circumstance: If aid is restored to the recipient effective with the date of release from the institution (either by automatic restoration or by action of the board of supervisors during the month of release), institutional subvention is payable for the full month.

Subvention shall be claimed by the county rendering the care irrespective of the former recipient's residence status except when such care is being given under a contractual arrangement between the two counties in which case the county paying for the care rendered shall claim.

If a former recipient for whose care institutional subvention is paid dies before the end of the month, institutional subvention is payable for the full month. (W&IC 2140, 2160e, 2160.6, 2160.7, AGO NS5350)

to support a father unless he can first provide a living for himself, and, if married, a living for his dependent spouse and minor children.

A legally responsible relative who is an applicant for or recipient of public assistance shall not be held liable for a contribution from his grant of aid to other persons for whom he is legally responsible.

When the whereabouts of a responsible relative is not known, or the information submitted on a completed form requested of the relative, or information from other sources indicates no ability to support, there can be no finding of liability. The county record must show the information which led to the conclusion that the relative had no liability for support. The name of such relative need not be submitted to the board of supervisors for a finding of liability.

B. SPOUSE

When a spouse of the applicant or recipient has separate income (as distinguished from community income), such spouse's degree of legal responsibility for support, for which recovery action can be initiated, shall be measured by the Relatives' Contribution Scale. (See Sec. A-1030.) Separate income is that received from real or personal property representing the separate property of the owner. It also includes income resulting from employment or military service rendered prior to the present marriage, such as civil and military pensions, except that if the marriage took place during the period the service was rendered the income shall be considered community income.

When spouses enter into an agreement, either oral or written, whereby the applicant or recipient releases his interest in the spouse's earnings, the income of the spouse shall be considered separate income from the date such agreement was made. If it is determined that the agreement was made for the purpose of qualifying for aid, or for a greater amount of aid, the income from the spouse's earnings shall be treated as community income of the couple. (See Sec. A-1116, Division of Income With Spouse.)

C. ADULT CHILD

An adult child's maximum liability for two living parents is the same as for one parent.

The degree of legal responsibility for which recovery action may be initiated for an adult child living in the home of the applicant or recipient shall be measured according to the Relatives' Contribution Scale in the same manner as though he were not in the home. Payment of room and board by an adult child does not alter his degree of legal responsibility as this represents an item of expense which must be met regardless of where the child lives.

Allowances for parents, brothers, sisters and grandchildren of servicemen are entirely voluntary and may be terminated at any time by the serviceman. Applicants and recipients shall not be required to request such allowances as a condition to the granting of aid.

(Section Continued on Next Page)

A-1000 DEFINITION OF RESPONSIBLE RELATIVES A-1000

Relatives who are liable for the support of another person, because of their relationship to the other person, are legally responsible relatives. The relationship may be the result of a blood tie such as that existing between parents and children, or the result of a contract such as marriage or adoption.

In OAS, responsible relatives are the spouse and adult children. Responsibility for support of the applicant or recipient rests first with the spouse and then with the adult children. The marriage of an adult child does not relieve him of responsibility for the support of his parents. (W&IC 2140, 2160F)

A-1010 MUTUAL RESPONSIBILITY OF SPOUSES A-1010

Responsibility for the support of an applicant or recipient rests first with the spouse since husband and wife contract towards each other obligations of mutual respect, fidelity and support.

If the husband neglects to make adequate provision for the support of his wife, except in the cases mentioned below, any other person may, in good faith, supply her with articles necessary for her support and may bring action to recover the reasonable value thereof from the husband.

A husband abandoned by his wife is not liable for her support until she offers to return, unless she was justified in abandoning him by his misconduct. He is not liable for her support when she is living separate from him by agreement unless such support is stipulated in the agreement.

The wife must support the husband, when he has not deserted her, out of her separate property, if he has no separate property, if there is no community property and if he is unable, from infirmity, to support himself.

While it is true that ordinarily the earnings of the wife, while living with her husband, are community property under the control of the husband and, in a strictly legal sense only, subject to his disposition, yet it is permissible for the spouse to enter into an agreement whereby the wife may retain such earnings for the support of herself and dependent children. (W&IC 2160F; CC 155, 174, 175, 176)

A-1020 LIABILITY OF RESPONSIBLE RELATIVES WITHIN STATE A-1020

A GENERAL

No person is deemed liable for the support of another person until he is first able to maintain himself; e.g., an adult son would not be deemed able

(Section Continued on Next Page)

A-1030 (Continued) A-1030

A. Net monthly income of responsible relatives in family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
	C. Maximum required monthly contributions									
200 or under---	0	0	0	0	0	0	0	0	0	0
201 - 225 -----	5	0	0	0	0	0	0	0	0	0
226 - 250 -----	10	0	0	0	0	0	0	0	0	0
251 - 275 -----	15	0	0	0	0	0	0	0	0	0
276 - 300 -----	20	0	0	0	0	0	0	0	0	0
301 - 325 -----	25	5	0	0	0	0	0	0	0	0
326 - 350 -----	30	10	0	0	0	0	0	0	0	0
351 - 375 -----	35	15	5	0	0	0	0	0	0	0
376 - 400 -----	40	20	10	0	0	0	0	0	0	0
401 - 425 -----	45	25	15	5	0	0	0	0	0	0
426 - 450 -----	50	30	20	10	0	0	0	0	0	0
451 - 475 -----	55	35	25	15	5	0	0	0	0	0
476 - 500 -----	60	40	30	20	10	0	0	0	0	0
501 - 525 -----	65	45	35	25	15	5	0	0	0	0
526 - 550 -----	70	50	40	30	20	10	0	0	0	0
551 - 575 -----	75	55	45	35	25	15	5	0	0	0
576 - 600 -----	80	60	50	40	30	20	10	0	0	0
601 - 625 -----	85	65	55	45	35	25	15	5	0	0
626 - 650 -----	90	70	60	50	40	30	20	10	0	0
651 - 675 -----	95	75	65	55	45	35	25	15	5	0
676 - 700 -----	100	80	70	60	50	40	30	20	10	0
701 - 725 -----	105	85	75	65	55	45	35	25	15	5
726 - 750 -----	110	90	80	70	60	50	40	30	20	10
751 - 775 -----	115	95	85	75	65	55	45	35	25	15
776 - 800 -----	120	100	90	80	70	60	50	40	30	20
801 - 825 -----	125	105	95	85	75	65	55	45	35	25
826 - 850 -----	130	110	100	90	80	70	60	50	40	30
851 - 875 -----	135	115	105	95	85	75	65	55	45	35
876 - 900 -----	140	120	110	100	90	80	70	60	50	40
901 - 925 -----	145	125	115	105	95	85	75	65	55	45
926 - 950 -----	150	130	120	110	100	90	80	70	60	50
951 - 975 -----	155	135	125	115	105	95	85	75	65	55
976 - 1,000 ---	160	140	130	120	110	100	90	80	70	60
1,000-1,025 ---	165	145	135	125	115	105	95	85	75	65
1,026-1,050 ---	170	150	140	130	120	110	100	90	80	70
1,051-1,075 ---	175	155	145	135	125	115	105	95	85	75
1,076-1,100 ---	180	160	150	140	130	120	110	100	90	80
1,101-1,125 ---	185	165	155	145	135	125	115	105	95	85
1,126-1,150 ---	190	170	160	150	140	130	120	110	100	90
1,151-1,175 ---	195	175	165	155	145	135	125	115	105	95

For each additional $25 net income over $1175 (Col. A) the maximum required monthly contribution is increased $5 in each column under B and C. (WaIC 2181; AGO NS 5164)

A-1020 (Continued) A-1020

A married daughter shall not be required to make contributions unless she has separate income in an amount indicating some liability under the scale. When the responsible relative is a married daughter and there is no agreement between the couple whereby the wife is permitted to retain her earnings as her separate property, the earnings of the wife represent the income of the husband since they are under his management and control. Under these circumstances the daughter's liability is removed and she is considered a dependent of her husband. Thus when the responsible relative is a married daughter and the only income is community income of the couple, the daughter is not liable.

D. MINOR CHILD

The earnings of a minor child represent community income of the parents, unless the child is emancipated, in which case, the minor child has the same liability under the scale as an adult child. (See Sec. A-1152, Contributions from Responsible Relatives) (W&IC 2006, 2140, 2150F, 2181, 2224, AGO NS 863, AGO NS 5187, Servicemen's Dependents Allowance Act)

A-1030 RELATIVES' CONTRIBUTION SCALE A-1030

The Relatives' Contribution Scale sets forth the maximum degree of liability for support of applicants for, or recipients of, aid according to the relative's net income and number of dependents. The county board of supervisors shall fix the relative's liability at the amount specified by the scale or at an amount less than that specified by the scale, if warranted by the financial circumstances of the responsible relative. The Relatives' Contribution Scale is not applicable to the spouse of an applicant or recipient when the spouse's income represents the community income of the couple. (See Sec. A-1116, Division of Income with Spouse)

(Section Continued on Next Page)

A-1050 INVESTIGATION OF RESPONSIBLE RELATIVES WITHIN STATE A-1050

The county shall determine whether there is, within the state, a spouse or adult child pecuniarily able to contribute to the support of an applicant or recipient. The county may know that a relative is contributing, or have information which indicates ability to contribute. If so, the relative shall be requested to file a sworn statement on Form Ag 225, Statement of Responsible Relative, indicating whether he is in fact contributing, and will contribute to the applicant or recipient and stating his net income and additional information necessary to determine his degree of liability.

In the absence of information indicating ability of the responsible relative to contribute, or whether he is in fact contributing, the relative shall be requested to complete a statement on Form Ag 226, Preliminary Statement of Responsible Relative. On this form the relative reports whether he is contributing or will contribute, and gives information on which the county can make a preliminary determination of liability or non-liability under the Relatives' Contribution Scale. He certifies that the statements are true and correct. Signature under oath is not required. The relative shall be allowed 15 days from the date of mailing to complete and return Form Ag 226.

Upon return of Form Ag 226 the county shall request the responsible relative to complete Form Ag 225 only if the preliminary statement shows that:

1. The relative is making a contribution, or

2. The information indicates liability or possible liability under the scale.

If Form Ag 226 is not returned within 15 days from the mailing date there is a presumption of liability and the relative shall immediately be requested to complete Form Ag 225.

If the returned Form Ag 226 indicates that the relative is making no contribution and that there is no liability, it is not necessary to request the relative to complete Form Ag 225. A determination of non-liability may be made by the county welfare department on the basis of information reported on Form Ag 226 and referral to the board of supervisors is not necessary.

If it is necessary to request a relative to complete Form Ag 225, the relative shall be allowed 10 days from the date of mailing if living in the county, or 30 days if living outside the county, to complete and return the sworn statement. The action to be taken in relation to Form Ag 225 which is filed with the county shall be governed by the following:

(Section Continued on Next Page)

A-1040 DEFINITION OF NET INCOME UNDER RELATIVES' CONTRIBUTION SCALE A-1040

Net income is the amount which remains after subtracting expenses necessary for obtaining the income. The following factors shall be considered in determining the net income of each relative:

1. Salary or Wages

   Among the necessary expenses may be union dues, if paid, the cost of tools or equipment, including uniforms which must be purchased because of the employment, transportation expenses to and from the job, and the cost of meals necessarily purchased away from home due to the employment. Deduction shall not be made for Social Security taxes, other insurance or retirement deductions (whether voluntary or involuntary), personal income withholding taxes, or stock or bond deductions of any kind.

2. Commercial enterprise, such as business or farm operations

   Normal expenses of operating business, including overhead, represent deductible items in determining net income. Expense which is necessary to maintain a business on an operating basis and to preserve the capital investment is given consideration in determining net income. Necessary business and operating expenses which are past due and unpaid represent an obligation of the business to be recognized in determining net income from a business.

   In the case of farm operation, for example, the cost of taxes, interest, and principal payments on encumbrances, and depreciation on equipment, shall be considered. When an automobile or other motor vehicle is maintained for the business, reasonable expense for its operation shall be deducted in determining net income.

3. Commissions

   Overhead and operating expenses are considered in determining net earnings derived from commissions. This includes such items as the maintenance and operation of an automobile used in connection with the business, office rent, telephone, stationery, etc.

Living expenses shall not be deducted when determining net income.
(WAIC 2140, 2181)

A-1050 (Continued) A-1050

shall be made to the board of supervisors not later than the first month following the end of the 60-day period after the notification to the responsible relative. If the relative appears to have no liability, the facts supporting this conclusion shall be recorded in the case record.

If there is reason to believe the information reported by the relative on Form Ag 226 or Ag 225 is not accurate, the county shall exercise reasonable diligence in investigating further the financial circumstances of the relative before recommendation as to the amount of liability is made. In no case shall an employer of a relative be contacted without first obtaining the consent of the relative involved.

If the relative fails to file the Form Ag 225 requested of him, see Sec. A-1060, Action When Relative Fails to Return Form Ag 225. (W&IC 2140, 2181, 2224)

A-1060 ACTION WHEN RESPONSIBLE RELATIVE FAILS TO RETURN FORM AG 225 A-1060

When Form Ag 225, Statement of Responsible Relative, has not been returned to the county within the 10 or 30-day limit, whichever is appropriate, (see Sec. A-1050) the county shall make suitable further effort to secure it. Such effort may include:

1. A follow-up letter to the responsible relative by registered mail, return receipt requested. If the letter to the responsible relative is returned because of incorrect address, every effort should be made to secure the correct address from the applicant, telephone or city directories, or any other available source.

2. Interview with the applicant to determine if he can secure the responsible relative's cooperation in completing Form Ag 225. When interview reveals he cannot secure this cooperation, this information should be recorded in the county case record.

3. Interview with the responsible relative, if possible. When the county is unable to secure information concerning the amount of contribution, if any, or regarding the pecuniary ability of the responsible relative to support, the applicant shall be interviewed on the following points:

   a. Amount of contribution now received from the responsible relative.

   b. His knowledge, if any, regarding the financial status of the responsible relative.

   c. Date of the applicant's last contact with the responsible relative.

(Section Continued on Next Page)

A-1050 (Continued) A-1050

1. Form Ag 225 shows no liability for support

In the absence of any information which conflicts with that given by the relative, a determination of non-liability shall be made by the welfare department. Referral to the board of supervisors is not necessary.

2. Form Ag 225 shows relative will contribute equal to or more than liability

The county shall recommend to the board of supervisors the amount of the relative's liability under the Relatives' Contribution Scale.

3. Form Ag 225 shows relative will contribute less than liability

The Ag 225 may show that the relative will contribute less than his apparent liability, or that he will make no contribution. The county shall notify the relative of the amount he appears able to contribute; also, that if he believes he is unable to contribute the specified amount he may submit information regarding circumstances which he believes should be given consideration, such information to be submitted within a specified period, not to exceed 60 days.

Should the relative submit additional information regarding his financial circumstances, the county shall consider unusual circumstances in determining whether, or for what amount, the relative appears liable. Among the circumstances reported by the relative may be the expense to the relative of providing the applicant or recipient with free rent in a separate dwelling, apartment, etc. The value of the contribution in kind may not exceed $15 insofar as the recipient is concerned. (See Sec. A-1164) However, by providing free rent to the recipient the relative may be foregoing income in a greater amount than the value placed on the contribution in kind to the recipient. In evaluating the amount of the relative's contribution under such circumstances, recognition shall be given to the rental income which the property would normally provide rather than the value to the recipient of the free rent provided.

If the relative appears liable, either for the maximum amount specified in the Relatives' Contribution Scale, or for a lesser amount, a recommendation as to the amount of apparent liability

(Section Continued on Next Page)

State of California Department of Social Welfare

NOTIFICATION OF BOARD OF SUPERVISORS' FINDING OF LIABILITY OF RESPONSIBLE RELATIVE

OLD AGE SECURITY

_____ County

To _____ County No. _____

_____ State No. _____

_____ District _____

In accord with the duty imposed by Sections 2181 and 2224 of the Welfare and Institutions Code your liability for support of _____ (Name of Applicant or Recipient) is determined to be $_____ a month, effective from _____ (Date of Board of Supervisors' Action).

This determination is based upon the finding of the Board of Supervisors that your financial circumstances are as follows:

1. Total gross monthly income $_____ Number of dependents. . . . . _____

2. Total net monthly income $_____ Degree of liability as determined by Relatives' Contribution Scale . . . . _____

REMARKS: (Include explanation for any modification in degree of liability as determined by the scale)

If you do not contribute henceforth in accordance with the above-specified amount it will be necessary to request the district attorney or other civil legal officer to proceed against you in the order of your responsibility to support.

If you have questions regarding this notification you should discuss them with the county welfare department located at _____ (Address).

By action of the Board of Supervisors of _____ County this _____ day of _____ 19____

_____
Signature of County Clerk or Deputy

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A-1060 (Continued) A-1060

d. Pertinent information concerning family relationships, or attitudes that may prevent the county from securing information from the responsible relative concerning his pecuniary ability to support.

If, as a result of additional effort, a completed Form Ag 225 is secured, action shall follow in accordance with the provisions of Sec. A-1050. If, at the end of 30 days after the statutory 10 or 30-day limit, it has not been possible to secure a Form Ag 225, a report of this fact shall be made to the board of supervisors.

If there is proof, through return of the registered letter receipt, or through other evidence, that the relative received the Form Ag 225, it may be assumed that he knowingly failed to complete and return the form requested of him. The board of supervisors shall refer the matter to the district attorney for appropriate action under W&IC Sec. 2008. When a completed Form Ag 225 is received by the county as result of such action, it shall be reviewed and the county shall determine liability or non-liability in accord with Section A-1050.

All efforts made or procedures followed in determining pecuniary ability of responsible relatives or in securing support from responsible relatives shall be recorded in the narrative record. (W&IC 2008, 2140, 2181, 2224, PC 19; AGO NS 5497)

A-1070 FINDING OF LIABILITY BY BOARD OF SUPERVISORS A-1070

The county board of supervisors shall set the amount for which the responsible relative is liable. The effective date of the liability shall not be prior to the date on which the board of supervisors makes the finding of liability. Ordinarily the information submitted by the relative on Form Ag 225, and any supplemental information, is the basis for the board of supervisors' finding. However, if the relative refuses to complete the forms and through independent investigation the county is able to obtain factual information on the relative's income and assets, liability may be determined on the basis of such information.

Each relative for whom the board of supervisors has fixed a degree of liability shall be forwarded a completed Form Ag 246, Notification of Board of Supervisors' Finding of Liability of Responsible Relatives, showing the action of the board of supervisors. Form Ag 246, or an approved alternate form, is to be used in all cases except that the Form Ag 246-A may be used if the relative's contribution is equal to or greater than his liability under the Relatives' Contribution Scale, or his liability as established by the county board of supervisors. A completed copy of the notification shall be retained in the case record. (W&IC 2140, 2181, AGO NS 5145)

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A-1080 CHANGE IN LIABILITY A-1080

A recommendation to the board of supervisors as to a relative's degree of liability may be made at any time the facts regarding the relative's ability to contribute become known to the county welfare department. However, the finding of liability on current cases may not be delayed beyond the reinvestigation of eligibility.

Subsequent to the fixing of liability by the board of supervisors, the relative may report that he has lost his employment or that his circumstances have otherwise changed in such manner as to effect his degree of liability for support. In such cases, the county welfare department shall submit to the board of supervisors as soon as possible such further recommendation regarding liability as the facts justify. The relative shall be notified on Form Ag 246, Ag 246-A, or approved alternative form, of the board of supervisors' action in amending the degree of liability as previously determined. (W&IC 2140, 2181, 2224)

A-1090 ACTION AGAINST RESPONSIBLE RELATIVES WHO REFUSE TO CONTRIBUTE TO THE EXTENT OF THE LIABILITY ESTABLISHED BY THE COUNTY BOARD OF SUPERVISORS A-1090

If the person receiving aid has within the state a spouse or adult child pecuniarily able to support said person but who is not supporting or contributing to the extent of his ability as determined by the board of supervisors in accord with the Relatives' Contribution Scale (or a lesser amount as established by the board in unusual cases), the board of supervisors shall request the district attorney or other civil legal officer of the county granting aid to proceed against such relatives in the order of their responsibility to support. Upon such demand, the district attorney, or other legal officer shall, on behalf of the county, maintain an action against the relative in the Superior Court of the county granting aid. Such action shall be for the purpose of recovering such portion of the aid granted as the relative is able to pay and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county

The responsible relative shall be held liable to reimburse the county for such portion of the aid advanced to the recipient of OAS as he is able to pay, but only from the date the board of supervisors makes a finding as to liability of the particular relative and provided the relative has failed to

(Section Continued on Next Page)

A-1070 (Continued) FORM AG 246-A A-1070

State of California Department of Social Welfare

NOTIFICATION OF BOARD OF SUPERVISORS FINDING OF LIABILITY OF RESPONSIBLE RELATIVE OLD AGE SECURITY

_____ County

To _____ County No. _____

_____ State No. _____

_____ District _____

The records of the County Welfare Department show that you are now contributing $_____ to the support of _____ (Name of Applicant or Recipient).

It is now necessary under Sections 2181 and 2224 of the Welfare and Institutions Code for the Board of Supervisors to set the amount of your liability for the support of your _____ (Mother or Father). Therefore, according to the figures presented by you concerning your circumstances, the Board of Supervisors determined your liability to be $_____ a month, effective from _____ (Date of B/S Action). This determination is based upon the finding of the Board of Supervisors that your financial circumstances are as follows:

1. Total gross monthly income $_____
2. Total net monthly income $_____
3. Number of dependents. . . _____
4. Degree of liability as determined by Relatives' Contribution Scale $_____

Remarks, if any: _____

Your contribution now meets the requirements set by the Welfare and Institutions Code. If there is any change in your circumstances or the amount of your contribution, please notify the County Welfare Department.

If you have any questions regarding this notification, please discuss them with the County Welfare Department located at _____ (Address).

By action of the Board of Supervisors of _____ County this _____ day of _____, 19__.

_____
Signature of County Clerk or Deputy

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A-1090 (Continued) A-1090

contribute in accord with that liability. The board of supervisors' finding as to a relative's liability shall not retroact to apply to a period prior to the date on which the board of supervisors made a finding of liability on the part of the relative. (W&IC 2224; AGO NS 5145)

A-1095 INVESTIGATION OF RESPONSIBLE RELATIVES LIVING OUT OF THE STATE **A-1095**

Legally responsible relatives, including members of the armed forces, who are living outside California shall not be contacted unless there is reason to believe that they are contributing. Under such circumstances inquiry shall be made to determine the contribution, if any, or the amount of contribution which will be made. The inquiry shall be by direct correspondence with the relative unless the recipient has acceptable verification of the amount of the contribution received. Neither a Form Ag 226 nor a sworn statement, Form Ag 225, shall be requested of a relative living outside California. (W&IC 2140)

A-1104 (Continued) A-1104

An evaluation shall be made in each individual case as to whether any particular income is, in fact, casual. In no instance may an arbitrary determination be made that income of any given amount or from any given source is casual. (See Sec. A-1108, Casual Income and Inconsequential Resources.)

Income in kind is the value of an item of support received other than in cash such as free rent, free board and room, etc.

A resource is a holding of either real or personal property. The value of the "use of resources" means the net return from the resource and not the value of any capital portion of it.

An inconsequential resource is the net return from a holding of either real or personal property the use of which makes no appreciable contribution to the meeting of those continuing needs of the recipient which constitute the necessities of life. The use of the net return from any resource available to the recipient shall be evaluated in terms of the continuing needs of such recipient to determine whether it is, in fact, inconsequential. (See Sec. 1108, Casual Income and Inconsequential Resources.) (W&IC 2020, 2140)

A-1108 CASUAL INCOME AND INCONSEQUENTIAL RESOURCES A-1108

The following examples illustrate the types of income which might be considered casual income or a return from an inconsequential resource.

1. Income from occasional labor and services

Net income in cash or in kind from employment which is occasional and of a temporary nature and which offers no security as a regular source of maintenance is casual income.

Example 1: The neighbor of a recipient is called away from home due to illness of a relative. The recipient agrees to look after the children until the neighbor returns. The neighbor returns after several days absence and pays the recipient for her services. The employment is apparently temporary and occasional and offers no security as a regular source of maintenance, therefore, the income therefrom might be considered casual. (If, in this example, the recipient is one who regularly cares for children and who solicits or accepts this type of employment as a source of maintenance, the income therefrom would therefore probably not be considered casual income.)

Example 2: A recipient secures work helping in the harvesting of his neighbor's small olive crop. He is paid on a piece work basis. The work will not last longer than a few days and may be interrupted by inclement weather or the recipient's physical inability to complete the work. Since this work is temporary and occasional, the earnings therefrom offer no security as a regular source of maintenance; hence might be considered casual income. (If, in this example, the recipient regularly works during the harvest, thereby earning sufficient to contribute materially toward his continuing needs, the income would probably not be considered casual.)

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A-1100 ELIGIBILITY REQUIREMENTS A-1100

All income shall be considered in determining the amount of OAS to which an applicant or recipient is eligible except income which is determined to be casual income or a return from an inconsequential resource.

Casual income or a return from an inconsequential resource shall be disregarded in computing the amount of the OAS grant. (W&IC 2020, FSSA)

A-1104 DEFINITIONS A-1104

Income, other than casual income, is that which is actually available (not potential income) and which is received with sufficient regularity to form a basis on which the recipient may with security plan the necessary expenditures for his maintenance. Income means net income, i.e., that amount which remains after allowing for all normal items of expense incident to its receipt. Income may be in cash or it may be the value of a contribution in kind which materially assists the recipient in meeting his continuing needs, such as free rent, free board and room, etc.

Current income is that which is received in the current month. Regardless of the period over which it accrued it shall be considered income in the month received. (Any unexpended portion of the income, whether casual or otherwise, constitutes personal property as of the first of the month following receipt of such income.)

Casual income is that income which is:

1. Unpredictable as to amount and time of receipt,
2. Of short duration,

and

3. Of negligible importance in meeting those continuing needs of the recipient which are essential to maintenance.

(Section Continued On Next Page)

A-1108 (Continued) A-1108

Example 1: A recipient crochets a bedspread. She does not engage in the business of crocheting articles for sale, this effort on her part merely being to "pass the time." However she has an opportunity to sell the bedspread and does so. It is not anticipated that she will regularly make articles for purpose of sale. Since the net income, if any, is dependent upon an occasional sale of an article, any net income resulting therefrom would probably offer no security as a regular source of maintenance and would be temporary and occasional; therefore, it might be considered casual income.

Example 2: A recipient crochets and occasionally sells pot holders. Since the net income, if any, from this activity is dependent upon occasional small sales and offers no security as a regular source of maintenance, the net return might be considered casual income.

3. Income from occasional rental of rooms

Income from rental (or subrental) of a room which is not ordinarily advertised or listed for rent and which is rented for a short period only as an accommodation due to some unusual circumstances, is casual income.

Example: A recipient owns a home which is ordinarily occupied only by herself and her sister. She does not advertise a room for rent and does not look upon the room as a source of income. However, she rents the room to a traveling demonstrator who will be in town for a few days only. Since any net income from this source is apparently temporary and very occasional and offers no security as a regular source of maintenance it might be considered casual income.

4. Gifts

The value of the usual small gifts in cash or in kind given in commemoration of holidays and anniversaries is casual income. Other occasional small gifts of food, clothing and household supplies might also constitute casual income.

A gift in cash or in kind earmarked for a specific purpose and not directly connected with the meeting of the continuing needs of the recipient, such as the gift of a railroad ticket or of a sum of money for the purchase of such ticket might constitute casual income.

(If the earmarked gift is retained for the specified purpose beyond the month in which it is received, it becomes personal property. A reputed gift of an appreciable amount from a responsible relative may in fact be a contribution rather than a gift, and determination shall be based on the pecuniary ability of the relative to make regular contributions toward the support of the recipient. Gifts of items of personal property such as the gift of a radio, refrigerator, chair, etc., do not represent income.)

(Section Continued on Next Page)

A-1108 (Continued) A-1108

Example 3: A recipient serves on an election board. He may or may not be called upon to serve during future elections. The employment for one day only is apparently occasional and temporary and offers no security as a regular source of maintenance; therefore, the income might be considered casual.

Example 4: A neighbor whose employment requires a few days absence from home at irregular intervals, employs a recipient to water his garden and look after his pets during his temporary absences. The employment is apparently occasional and temporary and offers the recipient no security as a regular source of maintenance; therefore, the income therefrom would probably be of no consequence in meeting continuing needs. Payment received for such services might be considered casual.

Example 5: A retired musician, who is a recipient, unable to work regularly, undertakes, as an accommodation, to play in an orchestra in the place of one of the members who is ill. He works two days. Since this employment is apparently occasional and temporary and offers no security as a regular source of maintenance earnings therefrom might represent casual income. If this recipient accepted a position in an orchestra to take the place of a member who has been called east for an indefinite period, the earnings would probably not constitute casual income, as the employment is more or less regular for an indefinite period, thus contributing appreciably toward meeting the recipient's continuing needs.

Example 6: A housewife, formerly employed as a domestic, assists a previous employer for a few days during illness in the family. Since this employment is temporary and in all probability would be occasional, and offers no security as a regular source of maintenance, the earnings therefrom might be casual income.

Example 7: A recipient who is a retired piano tuner is asked to tune two pianos in a school building in preparation for a concert. He receives the usual compensation for this type of service. Since such employment is temporary and apparently occasional and offers no security as a regular source of maintenance the earnings therefrom might represent casual income.

2. Occasional sale of products

Net income derived from the occasional sale of products resulting from occupations engaged in wholly or primarily for their therapeutic value, such as net income from the occasional sale of art work, knitting, cabinet work, etc., shall constitute casual income. Similarly, the occasional sale of surplus garden, orchard or farm produce which is raised chiefly for the consumption of the recipient and his immediate family shall constitute casual income. Ordinarily there would be little or no net income from such pursuits or the net income realized would be so occasional and in such small amounts that it would have no appreciable significance in meeting the continuing needs of the individual.

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A-1108 (Continued) A-1108

RECORDING OF CASUAL INCOME AND INCONSEQUENTIAL RESOURCE

When income received by a recipient is determined to be "casual income" or "inconsequential resource" the case record shall show all of the facts which led to the conclusion that the income was in fact casual or the use of the resource was in fact inconsequential.

When the "casual income" is from earnings the record shall show:

1. The nature of the employment.

2. The circumstances at the time employment began which were reason for considering that it would be temporary and of short duration rather than permanent employment. This is ordinarily the statement of the recipient but information from other appropriate sources to support or refute his statement may be necessary in some cases.

3. The beginning date of the employment and the date employment terminated. The recipient's statement of these dates is adequate unless there is information which conflicts with his statement, in which case independent information should be secured if possible.

4. The amount earned during the employment. Verification should be secured when reported earnings seem inconsistent with type of work and length of employment; otherwise, record statement of recipient.

Example: A recipient is employed in agriculture. Recipient reported that he intended to work only until the crop was harvested if he could "hold out" that long. He reports that employment began July 15, and that employment terminated August 25. Total earnings for period, for example, $22.

When the "casual income" is from a source other than employment, or the net return from the use of a resource has been determined to be inconsequential, the record shall show:

1. Source of the income.

2. The amount of the income or the value of the resource and the date received as reported by the recipient. Verification should be secured when the income or the value of the resource seems illogical.

3. The facts on which conclusion is based that the income or the resource is of no appreciable value in meeting the continuing needs of the recipient. (W&IC 2140)

A-1108 (Continued) A-1108

5. Produce and utility resources

The value of the use of garden, orchard or farm produce, firewood and/or water, developed and utilized by the recipient and his immediate family might ordinarily constitute an inconsequential resource.

6. Interest on savings accounts and securities

Interest payments on savings accounts and securities are usually so small as to have no appreciable significance in meeting the continuing needs of a recipient and might in general constitute an inconsequential resource.

Example: A recipient has a savings account of $400 on which he will receive interest at the rate of 1½%, or $6, payable semi-annually. This small amount of interest might be considered an inconsequential resource. (Should the recipient possess $400 worth of bonds on which he receives interest at the rate of 5%, or $20, payable quarterly, this more substantial amount of interest might not ordinarily be considered an inconsequential resource.)

7. Results of barter transactions

The result of the exchange arising out of occasional barter transaction which does not materially assist the individual in meeting continuing needs, such as the exchange of wood produced on recipient's property for work on road leading to recipient's house, might be casual income.

8. Payment of dues and membership fees

Dues and membership fees in benevolent, fraternal, or other non-profit organizations which are assumed by the organization or by another person in behalf of a recipient constitute casual income, unless such dues or fees entitle the recipient to benefits which appreciably contribute to his continuing needs.

9. Emergency general relief

Emergency aid granted a recipient who has lost or spent his OAS grant might be considered casual income. (See Sec. A-1176, General Relief as Income.)

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A-1116 DIVISION OF INCOME WITH SPOUSE A-1116

The proper division of income with a spouse is subject to the following considerations:

First: Is the income separate or community?

Second: Is the income derived from earnings (either present or past) or from property (either real or personal)?

Third: When the income is derived from earnings (present or past) is it due to the work of the recipient or of the ineligible spouse?

A. DEFINITIONS

Separate income is that received from real or personal property representing the separate property of the owner. It also includes income resulting from employment or military service rendered prior to the present marriage such as civil or military pensions. When spouses enter into an agreement, either oral or written, whereby the applicant or recipient relinquishes his interest in the spouse's earnings, the income of the spouse shall be considered separate income from the date such agreement was made unless it is determined that the agreement was made for the purpose of qualifying for aid or for a greater amount of aid.

Community income is that received from the labor or employment of husband or wife during the marriage or income received from community property. It also includes income resulting from employment or military service rendered during the marriage. If the marriage occurred during the period the service was rendered the income shall be considered community income. If it is determined that the spouses entered into an agreement whereby the applicant or recipient relinquished his interest in his spouse's earnings for the purpose of qualifying for aid or for a greater amount of aid the income from the spouse's earnings shall be treated as community income. (See Sec. A-700, Definitions.)

B. TREATMENT OF INCOME

Net income from real or personal community property shall be shared equally with the spouse, whether eligible or ineligible. This does not apply to income from separate property owned by either spouse. There shall be no arbitrary division of earnings of minor children. (See Chapter X - Relatives.)

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A-1112 SOURCES AND TYPES OF INCOME A-1112

Income may be received from a number of sources, such as:

1. Wages, salaries and commissions.
2. Real or personal property--rental income or interest payments from the sale of such property.
3. Occupancy value of homes owned by recipients.
4. Subrental of rooms.
5. Purveying of board and room.
6. Sale of crops, livestock or other farm products.
7. Contributions or gifts (either in cash or kind) from relatives, private agencies, fraternal orders or others.
8. Insurance or annuities.
9. Civil or military pensions or compensation including allowances to dependents of servicemen.
10. Trust funds.
11. Unconditional offers of support.
12. Loans from responsible relatives.
13. General relief.
14. Allotments from inmates of penal institutions.
15. Payments received under court orders.
16. Services or care received under an enforceable contract.

(See Secs. A-1120 through A-1188 on verification of income.) (W&IC 2140)

A-1116 (Continued) A-1116

Family Allowances for Dependents of Servicemen - When a serviceman's allowance is received by either of a couple, the ineligible spouse (unless otherwise stipulated by the serviceman) may be allocated as much thereof as is necessary for his own support. For information regarding division of family allowances for dependents of servicemen, see Sec. A-1173, Family Allowances for Dependents of Servicemen. (AGO MS5164, 5187; W&IC 2003, 2020, 2140, 2142.5)

A-1120 VERIFICATION OF INCOME A-1120

All income received by an applicant for or recipient of OAS shall be verified and the net income determined.

The method of verification varies with the type of income. The applicant or recipient may have documents in his possession, such as wage and withholding statements, which substantiate his statement of income received. In the absence of conflicting information, such documents constitute adequate verification. When employment is irregular and performed for different employers, or when the applicant operates his own business, his own record of his income and/or disbursements may be the only source of verification.

If weekly earnings are regular in amount they may be prorated to a monthly amount on the basis of 4 1/3 weeks per month. If the initial or final payments cover only a partial month, as frequently occurs in the case of Unemployment Insurance or Disability Insurance Benefits, income for these two months is not regular and should be considered on the basis of the actual benefits received during these two months.

The case record shall show the methods used in verifying the gross income and in computing the net income. (W&IC 2140)

A-1116 (Continued) A-1116

When the recipient has community income from current earnings, or resulting from past employment (civil and military pensions, regular payments received because of industrial or unemployment compensation laws, etc.), he may allocate to his spouse a portion of such income. The amount allocated shall not exceed one-half of the income, and it shall not exceed a reasonable amount necessary for the support of the spouse, as determined by investigation in each individual case. No allocation of such income may be made for the support of minor children.

When an ineligible spouse has community income from current earnings, or resulting from past employment (civil and military pensions, OASI, or regular payments received because of industrial or unemployment compensation laws, etc.), he may retain an amount of such community income sufficient for the support of himself and/or minor children. After allowance is made for the needs of the ineligible spouse and minor children, the balance shall be allocated to the recipient. However, if the needs of the ineligible spouse and minor children amount to less than one-half of the net income, one-half of such income shall be allocated to the recipient.

When the recipient has separate income from any source, the total amount of such net income must be applied toward his own need and no portion may be allocated to the spouse whether eligible or ineligible. (For exception see discussion on allocation of OASI benefits below.)

When an ineligible spouse has separate income from any source no portion of such income may be arbitrarily considered as income to the recipient. The extent to which the applicant or recipient is actually in receipt of assistance from such spouse, either in cash or in kind, shall be determined on the basis of the contribution actually received. (The legal liability of the ineligible spouse whose income is his or her separate income, is determined in accord with the Responsible Relative's Scale.) (See chapter entitled Responsible Relatives.)

OASI Benefits - When a recipient is receiving OASI benefits the apportionment to the spouse shall not continue after the spouse has reached the age of 65 and becomes eligible to OASI payments. However, if the spouse files a claim for OASI benefits immediately when eligible to do so, apportionment may continue until the spouse receives an award. If the spouse refuses to file a claim apportionment shall not continue after the month in which the 65th birthday is reached. If the spouse does not qualify for benefits the apportionment may continue up to one-half of the amount received even though such benefits are the separate income of the person to whom they are paid (See Sec. A-1170, Old Age and Survivor's Insurance Benefits)

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A-1124 (Continued) A-1124

Monies paid to a recipient on the order of the State Labor Commissioner or as the result of court action and which represent delayed payment of wages for past services rendered shall be considered income in the month received. (See Sec. A-730, Resources Which Represent Personal Property.)

Net income which is determined to be casual income shall be disregarded when determining the grant of aid. (See Sec. A-1108, Casual Income and Inconsequential Resources.)

A-1128 INCOME FROM REAL PROPERTY A-1128

Net income from real property, other than the net value of occupancy of homes owned by recipients is that income which is available for the support of the applicant or recipient after deducting any expense in obtaining it, such as taxes, interest, upkeep and assessments. (See Sec. A-1132, Occupancy Value of Homes Owned by Recipients.)

Taxes, assessments, interest, etc., are a matter of record and are deducted in the amount required. The amount to be deducted for upkeep and repairs of each unit of rental property shall be determined in accordance with either of the following methods:

1. Deduct the amount actually expended for upkeep and repairs for each unit, or

2. Deduct 15% of the gross monthly rental value plus $4.17 a month for each unit. When this method is used, no additional allowance is made to cover actual expenditures for upkeep and repair.

Principal payments on encumbrances are not deducted when determining net income from real property except as provided in Sec. A-1132, Occupancy Value of Homes Owned by Recipients.

Net rental from property in which life estate is held shall be considered income. Net rental paid by one who is a responsible relative of the owner or the life tenant is interpreted as rental from property owned rather than as a contribution from a responsible relative.

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A-1124 INCOME FROM WAGES, SALARIES AND COMMISSIONS A-1124

The net income from wages, salaries or commissions paid for services rendered by a recipient is that amount which remains after all obligatory and mandatory deductions are made and after allowing for the expense incurred incident to the securing and retention of the employment. Such expenses may include:

1. Personal income withholding taxes.

2. Social security taxes (unemployment insurance, old age and survivors' insurance, etc.).

3. Food--The reasonable cost of lunches or other meals necessarily purchased away from home due to employment.

4. Clothing--The cost of purchase of suitable clothing for employment. Although purchase of new clothing may not be necessary, employment may result in increased cost of clothing replacement.

5. Laundry and Cleaning Service--The cost of laundry and cleaning service if necessary because of employment.

6. Transportation--Cost of transportation incident to employment.

7. Union Dues--If union dues are paid.

8. Equipment--This may include the cost of tools necessary to the employment, the cost of camp tents, camp stoves, etc., if necessary because of employment away from home.

The case record shall show the method used in verifying the gross income. Those items which are deducted from the gross shall be clearly set forth so that the method by which the net income is computed is clearly indicated.

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A-1132 OCCUPANCY VALUE OF HOMES OWNED BY RECIPIENTS A-1132

The value of currently used resources shall be considered in determining the amount of aid. Homes owned and occupied by recipients of OAS are considered currently used resources and the value of their use shall be considered in computing the grant.

The value of occupancy is determined in accordance with the assessed value of the property. The full assessed value is considered in determining the value of occupancy to the recipient, whether he alone occupies the home which he owns or whether it is shared with his spouse, or with others who may, or may not, have an interest in the property.

If the home is the separate property of the ineligible spouse who alone is bearing the cost of upkeep, taxes, etc., the recipient is, in fact, receiving free rent. The value is determined as in any other case in which free rent is contributed by another. (See Sec. A-1164, Value of Contributions in Kind.)

The recipient who holds life estate in the property he occupies is guaranteed the use of the resource and its occupancy value shall be considered in the same manner as though the recipient held title to the property.

Unencumbered homes having a county assessed value of $500 or less, have a minimum value of occupancy of $3.00 per month. The value of occupancy shall be increased at the rate of $1.00 per month for each additional $500 assessed valuation or fraction thereof, up to a maximum of $9.00 per month. The following table sets forth the occupancy value of unencumbered homes in accord with the county assessed valuation of the property.

Value of Occupancy of Unencumbered Homes

Assessed Value	Value of Occupancy
$500 or less	$3.00
$501 to $1000	4.00
1001 to 1500	5.00
1501 to 2000	6.00
2001 to 2500	7.00
2501 to 3000	8.00
3001 or over	9.00

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A-1128 (Continued) A-1128

Under the ordinary life estate agreement the life tenant is assured occupancy of the property, is entitled to all the income therefrom and is responsible for payment of taxes, upkeep and other obligations to keep the property in good condition. When expense items for which the life tenant is responsible are paid by another, the amount thereof represents income.

Payments made in accord with a life estate agreement which stipulates that the remainderman shall be responsible for the payment of certain expenses do not represent contributions to the life tenant. When property in which life estate is held was encumbered by the remainderman either before or after the creation of the life estate, encumbrance payments made by the remainderman shall not represent income to the life tenant.

When the existing life estate agreement is a verbal agreement only, it is advisable that it be confirmed in a notarized written statement signed by the remainderman and the life tenant and that a copy of such agreement be filed in the county welfare department record.

The value of the free use and occupancy of property during the statutory redemption period of one year following a foreclosure sale represents income.

That portion of payments from the sale of real property, sold under contract of sale, title not passing, which represent principal payments is considered conversion of property from one form to another. (See Sec. A-765, Conversion of Real or Personal Property.) Any interest included in such payments represents income. Allowance shall be made for interest payments on prior encumbrances, in order to determine the amount of net income.

(W&IC 2140, 2020; AGO NS3033, NS3033A, NS4943; CC818, 840)

A-1132 (Continued) A-1132

Duplex dwellings usually contain two identical units. Therefore, the value of occupancy of one unit occupied by the recipient shall be based on one-half the assessed value of the whole property. The net income from the other unit shall be determined in accord with Sec. A-1128, Income from Real Property.

An apartment in a building owned by the recipient has a value of occupancy which is determined by dividing the assessed valuation of the whole property by the number of apartments. The net income from the other apartments is determined in accord with Sec. A-1128, Income from Real Property.

Example 3: Apartment house of four comparable units is assessed for $2800. Net value of occupancy of one unit (occupied by recipient) is based on one-quarter of assessed valuation of the whole property.

If rooms (as distinct from apartments) in a home owned and occupied by the applicant or recipient are rented, the net value of occupancy, if any, and any net income from roomers shall be considered in determining the amount of aid. The net income from roomers shall be determined by deducting from the gross income from roomers the cost of extra utilities due to rental of rooms, any necessary laundry expense because of the roomers, and the cost of replacement of linens or other household equipment used in connection with the rental of rooms. If the monthly total cost of prorated taxes, insurance, the required encumbrance payments (principal and interest), if any, $2 monthly allowance for minor repair and upkeep (or the recipient's monthly share thereof), and the net occupancy value, if any, exceeds $15, the amount in excess of $15 shall be allowed as special need.

Example 4: A recipient and his spouse own their own home and rent two rooms receiving $30 gross rental. The extra cost of utilities because of the roomers is determined to be $2.50 a month. The laundry cost for linen used by the roomers is estimated at $2 per month, and the cost of replacement of linen, etc., is estimated at $1 per month. The couple's net income from the roomers is $30 less $5.50 ($2.50 utilities, $2 laundry and $1 replacement) or $24.50 ($12.25 each). The home is assessed at $1100 and is encumbered. The required monthly encumbrance payment is $18 and there is no net occupancy value. City and county taxes average $12 a month, insurance $1, and upkeep $2. The couple's total housing cost is $33 ($18 encumbrance, $12 taxes, $1 insurance, and $2 upkeep) or $16.50 each. This is $1.50 more than the basic housing cost for each recipient ($15) and therefore there is a special need for housing in the amount of $1.50 per month. In the absence of other special need the total need is $76.50 ($75 plus $1.50). Deducting the $12.25 income from total need results in a grant of $64.25 in OAS.

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A-1132 (Continued) A-1132

The application of the table may be modified when basic needs of the recipient other than shelter can not be met due to the excessive cost of taxes or assessments. In such event the case record shall show the particular cost which necessitated a modification of the table.

Encumbered homes have a value of occupancy which shall be determined by subtracting from the appropriate value of occupancy as shown in the table for unencumbered homes the required monthly payment on liens (including principal and interest). The remainder, if any, is the net value of occupancy on encumbered homes.

Example 1: Property owned by a single recipient assessed at $1200 is encumbered for $250. Monthly payments on the encumbrance are $3.00 (principal $2.50 and interest 50¢).

Value of occupancy from table for unencumbered homes	$5.00
Less payments on encumbrance	3.00
Net value of occupancy	$2.00

When payments on liens, including principal and interest, or on a contract of sale (principal and interest) are required to be paid periodically, i.e., quarterly, semi-annually, annually, or at other stated non-monthly intervals, the required payment shall be pro-rated on a monthly basis. This pro-rated figure shall be considered as the equivalent of the required monthly payment, and shall be deducted from the table value of occupancy in order to determine the net value of occupancy.

When a home is owned as community property each of the couple is responsible for one-half the encumbrance payment. Therefore, only one-half of the required monthly payment on the encumbrance (or on a contract of sale) is to be deducted from the value of occupancy as set forth in the table.

Example 2: A home occupied by a couple is assessed at $1,350. The required monthly payment on a $300 encumbrance is $7.00 per month (principal and interest). The net value of occupancy for each of the couple is computed as follows:

Value of occupancy from table for unencumbered homes	$5.00
Less share of payments on encumbrance	3.50
Net value of occupancy	$1.50

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A-1132 (Continued) A-1132

If the home is part of an urban business property such as store building with apartment above, the assessed value of the portion used as the home shall be determined as above.

Homes on land owned by another may be assessed as personal property to the owner of the dwelling. Determine the value of occupancy in the same manner as for real property. Such homes may include cabins on federal lands such as national forests, Indian reservations or allotments, land owned by a corporation or private land owned by another; etc.

If the dwelling is not assessed, the value of occupancy shall be based upon the appraised value in accord with the following table.

Value of Occupancy as Determined by Appraised Value

Appraised Value	Value of Occupancy
$500 or less	$3.00
501 - 799	4.00
800 - 999	5.00
1000 or over	6.00

If rent is paid for the land on which the dwelling rests, the value of occupancy is determined by subtracting the monthly land rent from the appropriate figure set forth in the foregoing table. (W&IC 2020, 2140)

A-1136 INCOME FROM SUBRENTAL OF ROOMS A-1136

The net return from subrental of rooms is income which shall be considered in determining the amount of the grant. Net income from subrental of rooms shall be determined as follows:

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A-1132 (Continued) A-1132

Two or more separate dwellings, one of which the recipient occupies, may be located on property owned by him. The value of occupancy of the one dwelling shall be determined by dividing the assessed valuation of the whole property by that fraction which represents the number of rooms in the occupied dwelling over the total number of rooms in all dwellings located on the property.

Example 5: Property has front house of six rooms and rear cottage of three rooms which is occupied by recipient. Value of occupancy of rear cottage would be based on 3/9, or 1/3 of the total assessed value of the whole property. The net income from the rented dwelling shall be determined according to Sec. A-1128, Income from Real Property.

Farm or ranch homes are usually located on property consisting of a number of acres. In general, it shall be considered that one acre of the land is attached to the dwelling, and the value of occupancy shall be based on the assessed value of the dwelling and one acre of land.

Example 6: Home consists of dwelling and 20 acres of orchard. Assessed value RE $1000, Imp. $300, total $1300. Value of occupancy would be computed on the assessed value of $350 (Imp. $300 + RE $\frac{\$1000}{20}$)

If an income is derived from the orchard the net income shall be computed in accordance with Sec. A-1148, Income from Crops or Livestock, and the taxes on the balance of the land ($\frac{950}{1300}$ or $\frac{19}{26}$ of taxes on whole property) is considered an expense and allowed in determining net income from that portion of the property.

When the home is a part of business property such as chicken, dairy, or other ranching enterprise, and the assessed value of improvements (or buildings) in part belongs to the enterprise and in part to the dwelling, the portion of the assessed value of improvements to be considered as belonging to the home is left to the judgment of local authorities, unless allocation of assessed value of the dwelling can be secured from the assessor's records. Value of occupancy shall be computed on assessed value as with other homes.

Example 7: The home is on a dairy ranch. The assessed value is RE $1000, Imp. $2000, total $3000. Improvements consist of a small three-room dwelling and a large modern barn, dairy, etc., on 50 acres. It is determined by local authorities that the dwelling represents only $\frac{1}{4}$ of the value of all improvements. The assessed value of the dwelling shall be $500 + $20 (1 acre of land or $\frac{1000}{50}$ = $20) or $520.

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A-1140 INCOME FROM PURVEYING OF BOARD AND ROOM A-1140

In determining net income from board and room furnished by an applicant or recipient reasonable allowance shall be made for the cost of food provided and those expenses incident to the rental of the rooms. The difference between the amount of board and room paid and the expense represents the net income. The expenses will vary with the individual situation and a definite formula can not be provided which will fit all situations.

The recipient shall be requested to keep an account of his income and expenditures. It is his responsibility to make his records available to the county for verification of the net income. (See Sec. A-1136, Income from Subrental of Rooms and Sec. A-1132, Occupancy Value of Homes Owned by Recipients.) (W&IC 2140)

A-1144 INCOME FROM PERSONAL PROPERTY A-1144

Returns in the form of interest on money, bank or building and loan accounts, bonds, dividends upon stock, or other returns from personal property represent income. (See Sec. A-1108, Casual Income and Inconsequential Resources.)

Cash received as beneficiary of an insurance policy, other than an insurance policy of the spouse, and cash received on a periodic basis from an insurance policy owned by recipient (whether life, disability, compensation, retirement insurance, or an annuity) represents income. (For information regarding lump sum payments see Sec. A-740, Differentiation of Personal Property and Income.)

Income derived from personal community property shall be shared equally with the eligible or ineligible spouse. (W&IC 2140)

A-1148 INCOME FROM CROPS OR LIVESTOCK A-1148

Net income from the sale of crops, other farm products or timber represents income to be considered in the month in which it is received. Net income shall be determined by deducting the expenses which are incident to its receipt from the gross income. This does not include principal payments on encumbrances. Although income may not be prorated over a period equivalent to that in which it accrued, the expenses incident to receipt of the income may be averaged.

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A-1136 (Continued) A-1136

A. RENTED HOUSE IS PRIMARILY RECIPIENT'S HOME

The net income from subrental of rooms in a rented house, if such house is primarily the recipient's home is determined by deducting from the gross rental income those expenses which are allocable to the roomers, i.e., extra cost of utilities, laundry, cost of replacement of linen or other equipment used in connection with the rental of rooms, etc. (If the applicant's or recipient's share of rent paid for the entire house is in excess of the basic rental allowance ($15), the amount in excess thereof represents special need provided adequate housing is not available at less cost within the community, a health condition requires close proximity to a medical or shopping center, or the employment of the recipient or his spouse makes proximity to the place of employment a factor.)

Example: A couple rent a house, no utilities included, for $40 a month or $20 each. The share of each is $5 in excess of the basic rental allowance ($15). They subrent a room and their gross rental income is $30 a month. The extra cost of utilities because of the roomer is determined to be $1.50 per month. There is no expense for laundry but the cost of replacement of linen, etc., is estimated at 50¢ a month. The net income from subrental of rooms is $28 or $14 each ($30 less $1.50 utilities and 50¢ replacements, divided by 2). Since adequate housing is not available in the community for less than $40 a month special housing need is established for each recipient in the amount of $5 a month. In the absence of other special need, the total need of each is $80 a month. Deducting the $14 income from total need results in an OAS grant of $66.

B. RENTED HOUSE IS ROOMING HOUSE OPERATED PRIMARILY AS A BUSINESS ENTERPRISE

Net income from the subrental of rooms in a large rented house occupied by the applicant or recipient, but operated primarily as a rooming house enterprise, is determined by deducting from the gross rental income the cost of extra utilities, replacement, services essential to the operation of the business, and the amount by which the rent paid for the property exceeds the basic allowance for rent (i.e., $15 for a single recipient or $30 for a couple). ("Special Need" for housing shall not be allowed in determining the recipient's total need if the rental of rooms is primarily a business enterprise.)

Example: A recipient rents a ten room house in order to operate a rooming house enterprise and pays $70 a month rent. She retains two rooms for her own use and subrents eight rooms. Gross rental received by the recipient is $20 a month for each room or a total of $160 a month. Extra utilities for roomers cost $20 a month, linen replacements $6, and housecleaning services $25. The recipient's rental payment of $70 exceeds the basic rental allowance of $15 by $55. Total expenses allocable to the roomers are $106 ($55 for rent, $20 utilities, $25 cleaning, and $6 replacements). Net income to recipient from rooming enterprise is $54 ($160 less $106). (W&IC 2140)

A-1152 CONTRIBUTIONS FROM RESPONSIBLE RELATIVES A-1152

The amount of contributions received from legally responsible relatives in cash, the value of items of support given in kind, i.e., room, board, clothing, etc., and payments made by responsible relatives on behalf of the recipient and for which the recipient is responsible, i.e., mortgage payments on the recipient's real property, etc., represent income. Exception: Premiums paid by another on the recipient's life insurance shall not be considered income. (See Sec. A-1160, Unconditional Offer of Support.)

The spouse of a recipient may apply to his or her own support and the support of his minor children such of his income from current earnings, or resulting from past employment (civil and military pensions, OASI, or regular payments received because of industrial or unemployment compensation, etc.), as is necessary before applying the remainder, if any, to the support of the recipient. (See Sec. A-1116, Division of Income with Spouse, and Chapter X - Relatives.)

There shall be no arbitrary division of earnings of minor children. The method of determining the amount of the earnings of the minor child to be used in a household in supplementing or in any way determining the amount of aid to be granted shall be based upon the emancipation of such minor. (See Sec. A-1020, D) (W&IC 2003, 2020, 2140, 2142.5, 2163, 2181.01, 2224)

A-1156 GIFTS A-1156

Gifts in cash or the value of items of support in kind, such as board, room, clothing, etc., received from others, including public or private agencies, fraternal, benevolent, and non-profit organizations, or private institutions having no legal obligation for support, represent income. Gifts which have no significance in meeting the continuing needs of the recipient and which have been determined to represent casual income shall not be considered in determining the grant of aid. Gifts of items of personal property such as the gift of a radio, refrigerator, chair, etc., do not represent income. (See Sec. A-1108, Casual Income and Inconsequential Resources and Sec. A-1160, Unconditional Offer of Support.) (W&IC 2020, 2140)

A-1148 (Continued) A-1148

Due to the number and kind of products produced, the wide variation in the particular items of expense in connection with them, and the frequency with which the income is received, no method of determining net income can be prescribed which is applicable in all cases. The facts in the individual case shall be given consideration. The following expense items are among those which should be considered when applicable: Taxes, assessments, interest, water, seed, the cost of spraying, pruning, and other cultivation costs, feed, wages, cost of necessary repair and minor replacement of equipment, etc.

Certain expenses such as taxes, assessments, etc., are determinable on an annual basis. It is recommended that such expenses be allowed on the basis of a fiscal period terminating prior to the receipt of the income. When the crop is such that the income is received semi-annually or at more frequent intervals the proportionate share of the annual expenses may be considered together with other expenses attributable to the production of the particular crop or product.

Upkeep expense is computed on the basis of actual expenditure and is not ordinarily applicable to any one crop. It may be deducted from the income from the crop or crops which mature next following the upkeep expenditure.

If the nature of the corp or product is such that it is desirable to determine the net income quarterly or semi-annually, any loss which is sustained for a particular period may be carried over as an expense to be added to the expense applicable to the next period.

Proceeds from the sale of livestock (other than an entire holding) represent income to be considered in the month received. Expenses incident to raising the livestock such as feed, pasture rent and prorated personal property tax should be considered, when applicable in determining the net income to the recipient. (For information regarding the sale of an entire holding of livestock, poultry, etc., see Sec. A-740, Differentiation of Personal Property and Income.)

The recipient shall be requested to keep an account of his income and expenditures. It is his responsibility to make his records available to the county for verification of the net income. (See Sec. A-1120, Verification of Income.) (W&IC 2020, 2140; AGO NS5736)

A-1164 (Continued) A-1164

1. Comparable rental costs in the community. In no instance shall value placed upon free rent furnished an applicant or recipient exceed the rental charged for comparable shelter in the same community, except that the minimum amount set in the standard may not be reduced.

and

2. Adequacy of housing. The following definitions of sub-standard, intermediate, and standard housing shall be used to determine the degree of adequacy of the housing provided an applicant or recipient:

   a. Sub-standard housing--a dwelling or a room which does not have adequate sanitary facilities, safety provisions, or any of the other factors mentioned below.

   b. Intermediate housing--a dwelling or a room which does not have adequate provisions for privacy and comfort, but where there are adequate sanitary facilities and safety provisions.

   c. Standard housing--a dwelling or a room which meets minimum standards of health, safety and decency, including such items as adequate privacy, sanitary facilities, and comfort.

In making the determination of the value to be placed on free housing, based upon a combination of the factors of comparable rental costs and adequacy of housing, one of three monetary amounts shall be used; the minimum amount set forth in the standard ($5); the intermediate amount in the standard ($10); or the maximum amount set forth in the standard ($15).

Makeshift Shelter--If an applicant or recipient is residing in a shelter such as a dugout, cave, or tent, it is a "makeshift shelter." The value placed on free rent in such "makeshift shelter" shall not exceed $3 a month.

The basis for the determination of the value placed on free rent shall be recorded in the case record.

(Section Continued on Next Page)

A-1160 UNCONDITIONAL OFFER OF SUPPORT A-1160

A mere offer of a contribution for support by a responsible relative or anyone else is not in itself sufficient to render a recipient ineligible. Only contributions for full or partial support which are actually received or unconditional offers of cash shall be considered as income.

The following statements apply to all offers in kind from any source and to all conditional offers of cash in either of which the applicant or recipient does not have a property right. If the cash offer is dependent upon fulfillment of a certain condition or upon refraining from a particular act, e.g., living or not living in a certain place, upon refusal of the offer by the applicant or recipient, he shall be granted aid, if otherwise eligible.

When the applicant has a property right, i.e., insurance, OASI, stocks, bonds, court order for support, life care contract, or other resource which he owns or in which he has an interest, the benefits accruing from such property are income. (See Secs. A-1144, Income from Personal Property, A-1170, OASI Benefits, A-1172, Unemployment or Disability Insurance Benefits, A-1188, Income and Court Orders.) (W&IC 2020, 2140, 2160.5; AGO NS1040, NS2300, 20 Cal (2) 870)

A-1164 VALUE OF CONTRIBUTIONS IN KIND A-1164

The value placed upon rent, utilities, food, or other items of support contributed in kind to an applicant or recipient shall not be in excess of an amount which will permit the recipient to meet his other needs such as incidentals, transportation, etc.

The following factors shall determine the monetary value of shelter and utilities and room and board for which the applicant or recipient is not required to pay because they are furnished by relatives, employers, or others:

A. FREE RENT

If an applicant or recipient is in receipt of free rent the value placed thereon shall not be less than $5 nor more than $15. (For exception see discussion of makeshift shelters below.) Within these minimum and maximum amounts, the value placed upon the shelter furnished without cost to any given applicant or recipient shall be determined by taking into consideration both of the following factors:

(Section Continued on Next Page)

A-1170 OLD AGE AND SURVIVORS' INSURANCE BENEFITS A-1170

Since Old Age and Survivors' Insurance Benefits represents an unconditional resource to the individual who meets the necessary qualifications, an applicant or recipient who appears to be eligible for OASI must apply for it by filing the required claim. If he refuses to file such a claim, he cannot be held to be in need. Under such circumstances payment of OAS cannot be supported and until such applicant or recipient applies for OASI to which he is eligible (or appears to be eligible) OAS shall be denied or discontinued as the case may be.

The applicant or recipient is the primary source of verification of receipt of OASI since ordinarily the individual can show his award certificate or notice of disallowance which is received after his claim has been acted upon. Further information from the Bureau of OASI should be necessary only in a limited number of cases and should be requested only when the county welfare agency is unable to secure satisfactory information from the claimant.

When the county learns that a claim for OASI has been filed but the claimant cannot produce his award certificate or disallowance letter or other satisfactory evidence about the status of his claim, the county may submit a request for information about it. In this instance the welfare agency should fill out Form DPA 1, Request for Federal Old Age and Survivors' Insurance Information in quadruplicate and send the original and two copies to the local field office of the Bureau of OASI which serves the territory in which the individual lives. One copy should be retained in the case record. If a claim has been acted upon, the appropriate part of the form will be filled in, and one copy returned to the county. If a claim has been filed but not acted upon, a notation to that effect will be entered on a carbon copy of the form and it will be returned. The field office will notify the county later of the final action on the claim.

When the county finds it necessary to request the information from the Bureau of OASI, the applicant's or recipient's signed authorization for release of information is not necessary but the necessity for securing the information should be explained to him.

(Section Continued on Next Page)

A-1164 (Continued) A-1164

B. FREE UTILITIES

If all utilities are included in the free shelter provided, $6.30 shall be added to the value placed on the free rent. Thus, for free rent and free utilities the value to be used if housing is set at the minimum amount, shall be $11.30 a month; if housing is set at the intermediate amount, $16.30 a month; and if housing is set at the maximum amount, $21.30 a month.

C. FREE ROOM AND BOARD

If free room and board are provided, the individual ordinarily has no expense for household maintenance and replacements and the value for room and board shall be the sum of the values placed on free rent ($5, $10, or $15), free food ($28.50), free utilities ($6.30), and household maintenance and replacements ($4.50); depending on the housing standard the value for board and room would be $44.30, $49.30 or $54.30. If the room and board does not include all of these items, the total value of the items which are included shall be regarded as the value of the room and board. (WAIC 2140)

A-1168 LOANS A-1168

A bona fide loan contracted by a recipient carries with it the obligation for repayment and hence cannot be considered as making available to the recipient any net or factual amount of income. The funds derived as a result of a bona fide loan, as distinguished from a gift, are equalized by the corresponding indebtedness incurred. The proceeds of such loans shall not be considered income to the recipient when they emanate from non-responsible relatives, friends, persons or agencies, including fraternal, benevolent, and non-profit organizations, or private institutions on whom there rests no legal obligation for support.

Loans from a responsible relative may be considered as income because of the legal responsibilities of the relative, provided the responsible relative has the pecuniary ability to contribute the amount of the loan. The loan shall not be considered income when the relative has no such pecuniary ability and the loan must be repaid.

Personal property holdings shall be re-evaluated on the first of the month following the receipt of a loan to determine whether such holdings are within the maximum permitted. (WAIC 2140, 2163, 2164, 2165, 2181, 2020, 2224)

A-1170 (Continued) A-1170

In order that the Form DPA 1 shall be forwarded to the local field office only when presumptive eligibility exists, the use of Inquiry Form for Determining Presumptive Eligibility of a Wage Earner for OASI Benefits (Form DPA 2) and Inquiry Form for Determining Eligibility of Other Than a Wage Earner for OASI Benefits (Form DPA 3) is suggested. These are work sheets and are not forwarded to field office of OASI Bureau. Their use by the county is optional when all information covered by them is included in the case record. (W&IC 2140)

A-1170 (Continued) A-1170

When the county learns that an applicant for or recipient of public assistance may be eligible for OASI, he should be referred to the OASI field office servicing the area in which he lives after a careful review of the wage earner's work history has been made in order to avoid the referral of persons who are obviously ineligible. This precaution will result in a saving of the time of the staff of the OASI field office and protect the applicant or recipient from unnecessary effort and rejection.

When the county refers an individual to file a claim he shall be given an original and two copies of Form DPA 1 to give or send to the field office. If he files a claim the field office will make a notation to this effect on a copy of the form, return it to the county, and will notify the county when final action is taken on the claim. If no claim is filed because the person is obviously not entitled to OASI benefits, all copies of the form will be returned to the county with an explanation why he is ineligible. If a person is apparently eligible for OASI benefits but does not wish to file a claim, all copies of the form will be returned to the county with a statement regarding his apparent eligibility and unwillingness to file a claim.

When the field office of the Bureau of OASI has information that a person receiving OASI benefits is also receiving aid and there is a doubt that the county knows about the receipt of the OASI benefits, the county will be notified.

In rural areas where traveling distance to the field office is not convenient for referral, the field office of the Bureau of OASI usually arranges for an "itinerant service." The county should communicate with the OASI field office to obtain a schedule of this service and to make necessary arrangements for recipients or applicants, presumptively eligible for insurance payments, to be interviewed by a representative of the field office at such itinerant station. When possible, the county should furnish the field office with a list of the names and addresses and social security number and name of the insured if the prospective claimant is other than the worker under whose account benefits may be payable. The OASI field office in cooperation with the county will set a time and place available for interview convenient to all. The place selected may be the county office if the field office has no other quarters available in the vicinity.

(Section Continued on Next Page)

A-1170 (Continued) FORM DPA-2 A-1170

State of California Department of Social Welfare

INQUIRY FORM
FOR DETERMINING PRESUMPTIVE ELIGIBILITY OF A WAGE-EARNER FOR O.A.S.I. BENEFITS

1. Name John Doe 11111
Social Security Account Number

Address of Applicant 2000 A Street, Sacramento, California

2. Date of birth--Month April Day 15 Year 1887

Place Milpitas (City or Town) Santa Clara (County) California (State) USA (Country)

3. *Record of employment since December 31, 1936

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	FROM		TO	
		MONTH	YEAR	MONTH	YEAR
ABC Manufacturing Co.	Front St., Sacramento	July	1940	Feb.	1951
California Bread Co.	1015 Market St., Oakland	Jan.	1935	July	1940

4. If married, state your wife's maiden name, age, and date of birth, or your husband's name, age and date of birth:

Name Mary Brown Age 65 Date of birth 12/4/1887

5. Have you any children, including stepchildren and legally adopted children, under 18 years of age unmarried? No (Yes or No) If so, how many? _____

6. Have you previously filed an application for any benefits under Title II of the Social Security Act? Yes (Yes or No)

If so, state the name under which the application was filed, the approximate date filed, and the place where filed:

John Doe	10/11/49	Sacramento	Calif.
Name	Date Application Filed	City	State

*A wage-earner attaining age 65 before July 1, 1940, may qualify for monthly benefits upon acquiring six quarters of coverage. However, if he attained age 65 prior to January 1, 1937, remuneration paid to him prior to January 1, 1939, is not counted toward benefits, and no quarter of coverage can be acquired during this period. Therefore, only the employers for whom he worked on and after January 1, 1939, should be included.

If the wage-earner attained age 65, in 1937 or 1938, remuneration paid to him subsequent to attainment of age 65 and prior to January 1, 1939, is not wages and is not counted toward benefits. Therefore, names of employers for the period between the wage-earner's sixty-fifth birthday and January 1, 1939, should not be included.

Form DPA-2--April, 1940

A-1170 (Continued) FORM DPA-1 A-1170

State of California Department of Social Welfare

REQUEST FOR FEDERAL OLD-AGE AND SURVIVORS INSURANCE INFORMATION

John Brown	September 1, 1883 Sacramento	1234567
Name of Wage Earner	Date and Place of Birth	Account Number

Mary Brown	Widow
Name of Claimant, if other than Wage Earner	Relationship

600 K Street, Sacramento, California
Address

DIRECTOR, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE: September 6, 1951
Date

ATTENTION: Manager

The above-named person is unable to produce a copy of an award or disallowance letter from the Social Security Administration with reference to a claim for benefits under Title II of the Social Security Act, as amended.

It is requested that information available from your records, regarding the entitlement of the above-named person to old-age and survivors insurance benefits, be furnished this office. The information requested herein is required for use in determining this person's needs. The information will be used only for the purpose stated and will not be disclosed to any other organization or individual, except in accordance with expressed regulations or instructions of the Social Security Administration or as provided in the Administration-approved State public assistance plan.

John Smith	Public Assistance Worker
Signature	Title

Sacramento County Welfare Department	Sacramento	California
Name of Organization	City	State

SOCIAL SECURITY ADMINISTRATION REPORT

(Name and Address of Agency) Date _____

The records of this Bureau disclose the following:

Wage Earner's Account No. _____

Date of Award _____ Name of Beneficiary _____

Type of Monthly Benefit _____ Amount of Monthly Benefit _____

Month of Entitlement _____ Initial Payment _____

Explanation of Any Necessary Deductions _____

Date of Birth, if age 65 or over _____ Amount of Lump-Sum Death Payment _____

Disallowed _____ Reason _____
Date

DIRECTOR, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

By _____
Title

Form DPA-1 (revised)--July, 1949

A-1171 RAILROAD RETIREMENT BENEFITS A-1171

Information regarding the amount of retirement annuity granted a retired or totally disabled railroad employee or the amount of benefits paid to his beneficiary shall be verified by letters in the possession of the applicant or recipient whenever this is possible. If such letters are not available, verification shall be made through the Railroad Retirement Board, 844 Rush Street, Chicago, Illinois. The former employee, his guardian or his beneficiary shall be required to authorize the release of such information by signing the authorization for Financial Investigation (Form AB 228) and indicating his RRB file number. The signature shall be witnessed by two persons who know the employee. Their full addresses shall be included. The original Form AB 228 is sent to the Director of Retirement Claims of the RRB, accompanied by a letter requesting the desired information and giving the reason for the request.

Questions which arise regarding eligibility for annuities or benefits, and applications for same, may be filed in the local district office of the RRB. (See Sec. A-312, Authorization for Release of Information.) (W&IC 2140)

A-1172 UNEMPLOYMENT OR DISABILITY INSURANCE BENEFITS A-1172

The applicant or recipient is the primary source of information as to Unemployment Insurance of Disability Insurance payments in that documents in his possession can usually establish whether he is receiving these benefits. When satisfactory information cannot be secured in this way and the evidence indicates that the applicant or recipient is receiving such benefits, he shall be requested to obtain the necessary information at the local California State Employment office.

In order to qualify for Unemployment Insurance the individual must be available for employment. Therefore, Unemployment Insurance is <u>not</u> an unconditional resource and the applicant or recipient is not required to apply for it.

Disability Insurance, like OASI, is an unconditional resource and if the applicant or recipient appears eligible, he must make application. (W&IC 2140)

Form DPA-3--April, 1940
State of California
Department of Social Welfare

INQUIRY FORM
FOR DETERMINING PRESUMPTIVE ELIGIBILITY OF OTHER THAN A WAGE-EARNER
FOR O.A.S.I. BENEFITS

John Doe — Name of Deceased Wage-Earner
11111 — Social Security Account Number

1. Name of Applicant: Mary Brown Doe

Address of applicant: 2411 4th Avenue, Sacramento, California

2. Relationship to deceased wage-earner: widow

If widow, state when and where you and the wage-earner were married:

Month: June Day: 20 Year: 1908 Place: Los Angeles, California

3. Deceased wage-earner was born: Month: April Day: 15 Year: 1887

Place: Milpitas (City or Town) Santa Clara (County) California (State) USA (Country)

4. Date of his death: Month: February Day: 15 Year: 1951

Place: Sacramento (City or Town) Sacramento (County) California (State) USA (Country)

5. Date of birth of applicant: Month: December Day: 4 Year: 1887

Place: San Jose (City or Town) Santa Clara (County) California (State) USA (Country)

6. *Record of employment of deceased wage-earner since December 31, 1936:

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	FROM		TO	
		MONTH	YEAR	MONTH	YEAR
ABC Manufacturing Co.	Front St., Sacramento California	July	1940	Feb.	1951
California Bread Co.	1015 Market St., Oakland, California	Jan.	1935	July	1940

7. State below the name of each living child of the deceased wage-earner, including stepchildren and legally adopted children, under 18 years of age and unmarried.

FULL NAME OF CHILD	DATE OF BIRTH MONTH	DAY	YEAR	NAME, ADDRESS, AND RELATIONSHIP OF PERSON WITH WHOM THE CHILD WAS RESIDING AT TIME OF WAGE-EARNER'S DEATH
none				

*If the deceased was 65 years of age before January 1, 1937, name only the employers for whom he worked on and after January 1, 1939, as remuneration paid to the wage earner subsequent to December 31, 1936, and prior to January 1, 1939, is not considered wages, and no quarter of coverage can be acquired during this period. If the deceased wage-earner's sixty-fifth birthday occurred in 1937 or 1938, do not include the names of his employers for the period between his sixty-fifth birthday and January 1, 1939, as remuneration paid to him during this period is not considered wages, and no quarter of coverage can be acquired.

A-1176 GENERAL RELIEF AS INCOME A-1176

If General Relief is granted to an applicant or appellant pending the determination of such applicant's or appellant's eligibility, the amount of GR so granted constitutes net income for the month within which it is received, and shall be taken into consideration in the computation of any retroactive or current grant for such month(s).

If GR is granted in order to enable a recipient to meet special needs, the amount of GR constitutes income for the month within which it is received, to be related to the recipient's total need for that month.

Emergency GR granted a recipient who has lost or spent his OAS grant and given for the purpose of enabling a recipient to meet his basic needs for the remainder of the month, may be considered casual income, not subject to collection or adjustment. If it is not considered casual income it shall be treated as other income, with an adjustment to be made within the current adjustment period (See Chapter XIII-Aid Payments)or a repayment to be collected within the current adjustment period. (W&IC 2140)

A-1180 INCOME FROM PRIVATE AGENCIES OR OTHER SOURCES A-1180

Income currently received from a private social agency or other source such as a fraternal or benevolent association or service club shall be verified prior to the granting of aid. The extent of future participation in the support of the applicant or recipient or the date when the present income will terminate shall be verified.(See Sec. A-1120,Verification of Income.)Determination shall be made as to whether the income is regular fixed income or casual and inconsequential income. (W&IC 2140)

A-1173 FAMILY ALLOWANCES FOR DEPENDENTS OF SERVICEMEN A-1173

Dependent upon the family need (or evidence of the intent of the serviceman) servicemen's dependents allowances may be allocated to best meet the needs of the family group. The case record shall show what allocation was made and the reason. The spouse of a recipient may apply to his or her own support and the support of his dependent children such of the income from servicemen's dependents allowances as is necessary before applying the remainder, if any, to the support of the recipient. When a serviceman's allowance is received by either of a couple, the spouse (unless otherwise stipulated by the serviceman) may be allotted as much thereof as is necessary for his or her own support.

The applicant or recipient is the primary source of information concerning the receipt and the amount of allowances from servicemen in that he may have documents in his possession which verify such income. If such documents are not available, the applicant or recipient shall be requested to secure verification from the Office of Dependency Benefits. The county veterans service officer will be able to furnish the name and address of the correct Office of Dependency Benefits office of the armed service to which the claimant should direct his inquiry.

Since the Office of Dependency Benefits has consistently maintained that its relationship is solely with servicemen and their dependents, public assistance agencies should not write the Office of Dependency Benefits about particular case situations except as a last resort. When the family, recipient, or applicant cannot prepare the inquiry, necessary assistance should be given in its preparation, but the agency should not be identified with the inquiry. It should be made clear to the family, applicant or recipient that letters of inquiry to the Office of Dependency Benefits should include the serial number of the serviceman and other known identifying information (such as application number, rank of the serviceman and his present address, etc.) since all correspondence relating to allowances is filed by serial number. Omission of identifying information will result in delaying a reply, and in many cases, make a reply impossible. (W&IC 2140, 2142.5)

A-1184 (Continued) A-1184

When a recipient of aid is known to be a dependent of an inmate employed in a State Prison road camp or under provisions of Sec. 2780 of the Pen. C., the county shall verify the amount of allotment, if any.

Dependents are relatives for whose support the convict is legally responsible. (See chapter entitled Responsible Relatives.)

When a responsible relative is an inmate of a State penal institution, the county shall inform the institution that the inmate has a dependent who is receiving aid. Notification of any assignment to a road camp or under the provisions of Sec. 2780 of the Pen. C. shall be requested.

When a responsible relative is in a prison road camp the county shall advise Prison Camps, Division of Highways, P. O. Box 1499, Sacramento, California, of the name of the recipient to whom the allotment shall be paid.

When the county is advised by a penal institution that an inmate is employed under the provisions of Sec. 2780 of the Pen. C. and of the amount credited to the dependents, the county shall, in turn, give the warden or superintendent of the penal institution the name of the person to whom the allotment shall be paid.

The county shall notify Prison Camps, Division of Highways, or the penal institution when aid is discontinued for a person receiving mandatory allotments from an inmate's road camp earnings or under provisions of Pen. C. Sec. 2780.

Allotments are usually not available until the prisoner has been in camp four months. Allotments are not regular, and are variable in amount, depending upon the number of days worked, cost of maintenance and deductions for commissary purchases.

Allotment checks shall be made out by the Department of Public Works or the penal institution to the recipient of OAS.

Allotments to persons, other than responsible relatives, are voluntary and are initiated solely on the request of the prisoner himself. After the prisoner signs the form requesting such an allotment Prison Camps, Division of Highways, or the penal institution obtains an affidavit from the allottee giving the relationship to the prisoner.

(Section Continued on Next Page)

A-1184 ALLOTMENTS FROM INMATES OF PENAL INSTITUTIONS A-1184

Allotments from inmates of penal institutions as provided in Secs. 2763 and 2780 of the Pen. C. shall be considered as income in the month received.

Sec. 2763 of the Pen. C. requires that the State Department of Public Works shall pay the dependents on OAS of an inmate employed in a State prison road camp, a monthly sum from the net credit to each inmate's account as provided below. The amount paid shall be that which the State Department of Public Works estimates will equal, but not exceed, two-thirds of his total credit during the period of his employment. Immediately prior to, or upon the termination of, the employment of any inmate for any reason, any additional payment necessary to bring the total amounts paid to such dependents up to two-thirds of the inmate's net credits shall be made. No payment shall be made to dependents until there is a net credit to the inmate's account of at least $25. No payment shall be made to dependents which will reduce the net credit below the sum of $25. When an inmate's dependents are not receiving aid the inmate may voluntarily designate the persons to receive his allotment.

Under the provisions of Sec. 2780 of the Pen. C., the Divisions of Forestry, Parks, and Fish and Game of the Department of Natural Resources and the Division of State Lands in the Department of Finance may use inmates of State penal institutions in camps. Federal officials may also use inmates of State penal institutions to perform necessary and proper work in national forests and parks.

When inmates are paid for their labor under Sec. 2780 of the Pen. C., the Prison Board shall monthly pay two-thirds of the net credit to each inmate's account, to those dependents who are receiving OAS. When the dependents are not receiving OAS such inmate may, by signing a written order, direct the Prison Board to pay an amount, not exceeding two-thirds of his net credit to such dependents as he designates, according to Pen. C., Sec. 2784. It further provides that when an inmate is discharged, while at a camp, all sums due him shall be paid upon release. When an inmate is returned to a penal institution or released on parole, his net credits shall be paid to the warden of his penal institution and by him paid to the inmate, as prescribed by the Prison Board.

The California State Prison at San Quentin, the California State Prison at Soledad and the California State Institution for Men at Chino have forestry camps. Inmates of Folsom and the road camp connected with that institution may be assigned to combat fires in emergencies on a day to day basis.

(Section Continued on Next Page)

at the time the order was issued. If his need was not known to the court, the applicant or recipient shall be advised to make his need for public assistance known to the court and to request the court to review the existing order.

The portion of the income paid to dependents under an existing court order shall continue to be considered unavailable to the recipient provided his request for review by the court is initiated within three months from the date he was notified to do so (three months from the date application was granted in the case of an applicant). If the recipient has failed to initiate his request by the expiration of that period, the income paid to his dependents under the existing court order shall be considered available to meet his own need.

The case record shall show the date and provisions of the original court order, and any subsequent modifications thereof. The record shall also show the basis for the determination that any portion of the recipient's income is unavailable for his own support. (W&IC 2140)

A-1184 (Continued) A-1184

Information regarding voluntary allotments in an individual case may be obtained from Prison Camps at the above address or from the warden or superintendent of the penal institution for inmates employed under Sec. 2780.

The county is notified of date and amount of each allotment check by the State Department of Public Works or the penal institution. The county is also notified when the prisoner leaves camp. (MAIC 2140)

A-1188 INCOME AND COURT ORDERS A-1188

A. COURT ORDER FOR SUPPORT OF AN APPLICANT OR RECIPIENT

When there is a court order for full or partial support of the applicant or recipient he shall be presumed to have income in the amount awarded by the court. This presumption shall be considered to have been rebutted where the amount received as a result of the court order is less than the amount so ordered and only the amount received shall be considered income.

The case record shall show the date and provisions of the court order. When a determination is made that no amount or a lesser amount than that awarded by the court is received, the case record shall show the facts upon which that determination is based. The following situations although not necessarily all-inclusive, would indicate the receipt of a lesser amount than that awarded by the court.

1. A showing that the court order is not enforceable because the person ordered to pay is unable to do so;

2. The court granting the award no longer has jurisdiction;

3. A showing that a request has been made of the court for enforcement of the order.

B. COURT ORDER REQUIRING SUPPORT FROM APPLICANT OR RECIPIENT

The applicant or recipient may be in receipt of a regular monthly income, a portion of which is paid for the support of a spouse and/or children by order of a court. Such portion of the income as is paid for the support of these dependents under court order shall not be considered available to meet the needs of the recipient, provided the court was aware of the individual's need for public assistance

(Section Continued on Next Page)

A-1208 COMPUTATION OF TOTAL NEED A-1208

If the applicant or recipient has income, including the value of currently used resources, Form Temp 158 Ag, Computation of Total Need and Security Payment for Old Age Security, shall be used to compute total need and the amount of the aid payment. The left half of the form is used for exploration of needs with the applicant or recipient and to record the cost of items of special need as well as of those items of basic need which may represent a special need. The right half of the form is used to record the amount established for individual items of special need, and to record the amount of total need.

The bottom of the form under "Summary" contains appropriate spaces to record total income on the left side and the computation of the aid payment on the right side.

The attached form has been completed to demonstrate its use in the following example:

> Example: Review of the recipient's needs with him shows that he has special need for rent including no utilities which costs $25, and it is inadvisable for him to move because of a serious health condition. The doctor's charge is $6 a month and his medicine costs $4 a month. In addition to normal transportation expense, he must use a taxi to go to the clinic which costs $12 a month. A telephone necessitated by his health condition costs $4.10. He receives $40 Railroad Retirement Income.

The completed Form Temp 158 shall be filed in the case record. The circumstances which justify allowance of special needs shall be recorded on the form, or in the case narrative. (W&IC 2140)

(Section Continued on Next Page)

A-1200 DEFINITIONS A-1200

The need of one who meets basic eligibility requirements is the total money amount necessary to provide those items of support which come within the state's standard of assistance for Old Age Security recipients and as set forth in subsequent sections of this chapter.

Basic needs represent those continuing needs common to all Old Age Security recipients, i.e., food, housing, utilities, clothing, household maintenance and replacements, transportation and incidentals.

Special needs are those needs which are not common to all Old Age Security recipients and which arise out of impairment of health, physical handicap, or other circumstances peculiar to the individual's circumstances. An individual may have one or more special needs. (W&IC 2140)

A-1205 DETERMINATION OF NEED A-1205

The law provides that the income together with the amount of the grant shall equal at least $75. This amount is considered to cover continuing basic needs (except to the extent that the cost of certain items of basic continuing needs represent special need as specified in subsequent sections). When special need exists the total need is determined by adding to $75 the amount allowed to meet the cost of items of special need. (W&IC 2020, 2140)

A-1210 BASIC CONTINUING NEEDS A-1210

Those basic continuing needs common to all recipients and which $75 is presumed to meet are set forth below together with the amount of money within the $75 which is considered to be available to meet the cost of each item.

1. Food--The normal amount and kind of food needed to maintain health and vigor, $28.50. If the recipient pays board and room, the cost thereof is ordinarily the sum of the cost of the basic needs of food, housing, utilities and household operations. (See Sec. A-1230.) If circumstances require that the recipient eat his meals in restaurants, see Sec. A-1215.

2. Housing--Rent, including no utitlities, in adequate, suitable, sanitary housing in the locality chosen by the applicant or recipient, $15. If rent, including no utilities exceeds $15, see Sec. A-1220.

   Rent, including utilities, $21.30 ($15 for rent and $6.30 for utilities). If rent, including utilities, exceeds $21.30, see Sec. A-1220.

   When the recipient occupies his own home, the cost of his housing is the sum of the monthly cost of prorated taxes, insurance, the required encumbrance payment (principal and interest), if any (see Sec. A-1280, Special Need to Make Payment on Debts), $2 monthly allowance for minor repair and upkeep, and any net occupancy value. When the total of these costs exceeds $15, see Sec. A-1220.

3. Utilities--Light, water, garbage disposal, ice and fuel needed to maintain health and comfort, $6.30. If the total amount required to meet the various utilities the recipient must use exceeds $6.30, see Sec. A-1225.

4. Clothing--Adequate, healthful clothing, $6.20.

(Section Continued on Next Page)

OLD AGE SECURITY
COMPUTATION OF TOTAL NEED AND SECURITY PAYMENT

Living as a Member of a Household Group ____ yes ✓ no Case Name John Doe

If yes, Number in Household ____ State No. Sac. 1234g County No. 3215

Basic Need ____ $75.00

Possible Items of Special Need	Cost	Amount of Special Need Established
1. Food ☑ Special Diet ☐ Restaurant Meals	basic	Amount of Excess
2. Rent ☐ Including Utilities		Amount of Excess
☑ Not Including Utilities	$25	Amount of Excess $10.00
		Why Excess Necessary? Illness
3. Own Home Expense for Repair? No ☐ Yes ☐		If Yes, Total Cost ____ Recipient's Mo. Share
Taxes		Specify Nature of Repairs, How Cost Determined
Insurance		
Encumbrances		
Upkeep	not applicable	
TOTAL ____ + Occ. Val. ____ = ____ (1)		Amount of Excess
4. Utilities Gas 1.90		If Special Need is Allowed for Utilities State Reason
Electricity 2.60		
Water		
Other .75 (garbage)		
Total 5.15	5.15 (2)	Amount of Excess ____ Allowable Excess(3)
5. Board and Room not applicable		Amount of Excess
6. Transportation basic + 12.00		Amount of Excess 12.00 Allowable Excess(3) 10.50
Specify Reason for, and How Cost Determined: Illness - must use taxi for M.D. + Clinic calls 3 round trips per mo. @ $1.50		
7. Medical Care No ☐ Yes ☑ (If Yes, Complete Appropriate Items in Right Hand Column)		M.D. or Other, Per Month See narrative 6.00
		Prescriptions, Drugs, Etc. for detail 4.00
		Glasses, Dentures, Etc., Specify
		Sanitarium Cost ____ Allowable Excess(3)
		Nursing Care Cost ____ Allowable Excess(3)
8. Laundry	None	Amount Allowed (Must not Exceed Maximum)
9. Telephone	4.10	Amount Allowed (Must not Exceed Maximum) 4.00
		Reason: Health ☑ Blindness ☐ Isolation ☐
10. Housekeeping Service	None	Amount Allowed (because recipient unable to do)
Specify		
11. Debt for a Special Need? No ☑ Yes ☐	None	If Yes, Amount (Explain Fully in Record)
TOTAL NEED		$109.50

SUMMARY

INCOME Source	Amount	DETERMINATION OF SECURITY PAYMENT	
Net Value of Occupancy, If any		Total Need	109.50
Other		Total Income	40.00
Railroad Retirement	40.00	Difference Between Need and Income	69.50
		Amount of Security Recommended	69.50
TOTAL INCOME	$40.00		

Computed By Mary Jones Date February 25, 1951

(1) If home owned with others this is the recipient's share of ownership costs plus the occupancy value, if any.
(2) Enter recipient's share if others in household.
(3) Enter the amount of the excess, except when the excess exceeds the maximum enter the maximum.

Form Temp 158 Ag, February 1949

A-1220 SPECIAL NEED FOR HOUSING A-1220

If adequate housing is not available at less cost within the community, or if a health condition requires close proximity to a medical or shopping center, or if employment of his spouse makes proximity to the place of employment a factor, special need for housing exists as follows:

Rent--If rent, including no utilities, for a recipient living alone or living with someone other than a spouse, exceeds $15.00, the amount in excess thereof, up to a maximum of $25.00 represents special need. The basic allowance of $15.00 plus $25.00 results in a $40.00 maximum for rent. If the recipient lives with an eligible or ineligible spouse, his share of the rental shall be considered to be no more than one-half of the total rental, up to a maximum of $65.00 for the total rental. If his share exceeds $15.00, the amount in excess thereof, up to a maximum of $17.50, represents special need. The basic allowance of $15.00 plus $17.50 results in a $32.50 maximum for the recipient's share of the rent.

If the rent, including utilities, for a recipient living alone or living with someone other than a spouse, exceeds $21.30 the amount in excess thereof, up to a maximum of $25.00, represents special need. The basic allowance of $21.30 plus $25.00 results in a $46.30 maximum for rent, including utilities.

If the recipient lives with an eligible or ineligible spouse, his share of the rental, including utilities, shall be considered to be no more than one-half of the total rental, up to a maximum of $71.30 for the total rental. If his share exceeds $21.30, the amount in excess thereof, up to a maximum of $14.35, represents special need. The basic allowance of $21.30 plus $14.35 results in a $35.65 maximum for the recipient's share of the rent.

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A-1210 (Continued) A-1210

5. Household Maintenance and Replacements--The occasional replacement of small items of household equipment and/or supplies, $4.50.

6. Transportation--Carfare, or other transportation for social and ordinary shopping purposes, $4.50. If there is extra transportation cost due to certain specific circumstances, see Sec. A-1245.

7. Incidentals--Usual expenditures for such items as haircuts, toilet articles, recreation, including expenses necessary to maintain normal social contacts, etc., $10. (W&IC 2140)

A-1215 SPECIAL NEED FOR FOOD A-1215

The cost of special diet represents special need to the extent that the cost of the special diet computed in accordance with the current SDSW Special Diet Schedule, plus 30%, exceeds $28.50.

When the circumstances require that the recipient eat all of his meals in restaurants, the cost in excess of basic food shall be $21.40 a month.

If the circumstances are such that the recipient can prepare some, but not all, of his meals at home, a lesser amount for restaurant meals shall be allowed dependent upon the circumstances in the individual case. The basis for allowance of a lesser amount shall be recorded in the record. (W&IC 2140)

A-1225 SPECIAL NEED FOR UTILITIES A-1225

Special need for utilities exists if (1) the recipient's health is such as to require an abnormal consumption of one or more of the utility items, (2) the housing and/or equipment construction is such that an abnormal consumption occurs, (3) the utilities used include the more expensive items, such as butane, crude oil, wood, water when the rate in the community is unusually high, and sewer tax if included in the charge for utilities, (4) climatic conditions require the use of a greater amount of fuel. When the cost of such utility items used by the recipient under the foregoing circumstances exceeds $6.30, the additional expense represents a special need, not to exceed $11.50 a month. (The basic allowance of $6.30 plus $11.50 results in a $17.80 maximum allowance for utilities.) (W&IC 2140)

A-1230 SPECIAL NEED FOR BOARD AND ROOM A-1230

If the recipient must pay board and room, and the charge for this item is in excess of $55.00, the excess represents special need provided board and room within the specified amount is not available in the community. (W&IC 2140)

A-1235 SPECIAL NEED FOR CLOTHING A-1235

The cost of replacement of necessary clothing destroyed in a catastrophe such as fire, flood, etc., represents a special need. (W&IC 2140)

A-1240 SPECIAL NEED FOR REPLACEMENT OR REPAIR OF HOUSEHOLD EQUIPMENT A-1240

Household furniture or equipment may be inadequate or substandard to a point where replacement or repair is necessary. The cost of replacement or repair of equipment essential to meet normal requirements represents special need if:

1. The individual lacks and needs essential equipment,

2. Essential equipment is worn out and there is need to replace or repair it,

(Section Continued on Next Page)

A-1220 (Continued) A-1220

Home Owned--If the recipient lives alone in his own home, and the monthly cost of prorated taxes, the required encumbrance payment (principal and interest) if any, $2 monthly allowance for minor repairs and upkeep, and any net occupancy value, exceeds $15.00, the amount in excess thereof, up to a maximum of $25.00, represents special need. The basic allowance of $15.00 plus $25.00 results in a $40.00 maximum for housing.

If the recipient lives in his own home with an eligible or ineligible spouse, his share of the housing cost shall be considered to be no more than one-half of the total up to a maximum of $65.00 for the total housing cost. If his share exceeds $15.00, the amount in excess thereof, up to a maximum of $17.50 represents special need. The basic allowance of $15.00, plus $17.50 results in a $32.50 maximum for the recipient's share of the housing cost.

If applicants or recipients are living in housing which does not come within the foregoing limitations they shall be given a three months' period in which to move to housing within the ceiling limit, to refinance the home property so that payments thereon may be reduced within the ceiling or to make such other adjustments as may be possible. If at the end of the three months' period no adjustment is made, the grant shall be determined on the basis of allowance for special need as above specified.

Occasional repair may be necessary in order that the home will provide safe and healthful housing, or to minimize deterioration. The cost of such repair represents special need if the total cost of the repair is $10 or more (or the recipient's share of the total cost is $10 or more). Allowance for such special need shall be made provided the cost of the repair does not exceed the minimum for which such repair can be made. The plan for payment as agreed upon between the vendor and the recipient shall be recorded in detail. (W&IC 2140)

A-1245 SPECIAL NEED FOR TRANSPORTATION A-1245

When there is transportation cost due to trips to the doctor, clinic, etc., or unusually long distance trips to the nearest shopping and business center, the additional transportation expense represents a special need, not to exceed $10.50 a month. The basic allowance of $4.50 plus $10.50 results in a $15.00 maximum for transportation. When there is no public transportation available, and ownership of an automobile is a necessity because of distance from shopping and medical facilities, the $15 maximum allowance for transportation may be applied toward payments and upkeep on an automobile. (W&IC 2140)

A-1250 SPECIAL NEED FOR MOVING COST A-1250

The cost of moving expense represents special need only if no other moving arrangements or payment of cost is possible and if one of the following circumstances exists:

1. The individual has been evicted,
2. Moving is necessary to obtain housing within the ceiling specified in Sec. A-1220 or to effect an economy in rent,
3. Moving is necessary to obtain housing which meets the need of the individual,
4. Moving is necessary to obtain medical care or for reasons of health.

The amount allowed shall be based on the minimum amount for which such service can be obtained in the community. The basis for the determination that an allowance for moving is necessary shall be recorded in the case record. (W&IC 2140)

A-1255 SPECIAL NEED FOR STORAGE OF HOUSEHOLD AND PERSONAL GOODS A-1255

The cost of storage of household and personal goods represents a special need only when no other plan for such storage can be made and storage is temporarily necessary due to health or other reasons. The amount allowed shall be based on the customary rate for such service in the community. The reason for an allowance for storage shall be recorded in the case record. (W&IC 2140)

A-1240 (Continued) A-1240

3. Essential equipment is lost due to such causes as fire or flood and there is a need to replace it;

4. Illness necessitates additional equipment.

When one or more of these circumstances exist allowance shall be made for replacement or repair not to exceed the minimum price for which the item is available through mail order houses or other stores of a similar character which are used, in general, by persons with low incomes.

Essential equipment for functioning of a household includes basic cooking and heating facilities, sleeping equipment, storage space for clothing, and other basic necessities for minimum comfort in living. Essential equipment also includes laundry equipment if laundry is done at home; refrigeration and air cooling equipment if found necessary because of climatic conditions. Such items as dishes or household linens are not included above since the replacement of those items is provided for under Household Maintenance and Replacements. (See Sec. A-1210, Item 5)

The cost of repair of equipment already in use shall be weighed against the cost of purchasing a new refrigerator or laundry unit. Whether the equipment to be purchased should be used or new may depend upon the availability of such equipment with consideration given to upkeep as well as the initial cost. However, the case record shall contain a statement as to why a certain type of equipment was determined to be necessary.

Individuals shall be advised to discuss plans for repairing or replacing household equipment before making final arrangements. If the recipient contracts for an item of household equipment without prior county concurrence with the plan, the unpaid balance of the cost, not to exceed the minimum price for which the item of equipment determined to be needed can be purchased, if it meets the above criteria, shall be included.

The foregoing policy adopted in March 1951 is not applicable to those cases in which special need had already been established and allowed in the need determination. In such cases the special need allowance shall continue on the basis of the need for the item as previously determined. (WAIC 2140)

A-1260 (Continued) A-1260

When determining medical care needs of a recipient who is under the care of a physician or practitioner, the following information shall be secured through discussion with the recipient and recorded in full in the case record:

a. Name and address of physician or practitioner.

b. Nature of illness.

c. Length of time recipient has been under the care of the physician or practitioner.

d. Number of visits monthly to physician or practioner, date of last visit, number of visits during last two months, and cost per visit. Determination shall be made with the recipient as to whether or not medications are furnished by the physician or practioner and included in his charge.

e. Probable duration of need for care or treatment. Unless there is indication that care will be continuous, a plan shall be made with the recipient for redetermining medical care needs periodically and as often as indicated by the situation.

Allowance shall be made to cover the actual or allowable cost of treatment or care on the basis of the recipient's oral or written statement of the monthly cost; additional verification shall be requested when the cost as reported by the recipient appears to be excessive. In instances where the recipient cannot give a clear picture of the situation as to the cost of required medical service, care or treatment or the probable duration of the need, further verification through the physician or other practitioner is indicated. Such clearance shall not be made, however, without the consent of the recipient nor without his written authorization to the physician or practioner to furnish the necessary information.

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A-1260 SPECIAL NEED FOR MEDICAL CARE A-1260

"Medical care" is defined as including services from physicians, dentists, and nurses, treatment given by a practitioner as specified in Item 1 below; clinic, convalescent and hospital care; drugs and medical supplies; surgical and prosthetic appliances; and other special services, diagnostic X-ray and X-ray therapy, as may be required for diagnosis, care and treatment.

It is recognized that the recipient is a free agent in the choice and purchase of medical care, and that there are only such protections around the quality of care he buys as are assured to other persons in the community. He may be able to get care at reduced rates or he may pay what everyone else pays, depending upon where he secures his care. After a person goes for treatment, what he actually needs and how much, is determined by the practitioner, medical or other, but he chooses what he will have of what he needs.

Medical care needs and resulting costs are usually unpredictable. The recipient should be given a full interpretation of his responsibility in reporting information regarding changes in his medical care situation. When medical services or other treatments are not given on a regular, continuing basis, and the amount of care required varies month by month, allowances for these costs shall be determined as often as required and shall be based on the information reported by the recipient.

When costs of medical care are paid directly to vendors by others, including relatives of the recipient, all such payments shall be considered income to the recipient, and the care or treatment shall be identified and established as a special need.

1. Treatment by Physician, Surgeon, or Practitioner of any Type of Therapy

   When a recipient is under care or treatment by a physician or surgeon, or by the practitioner of any type of therapy, treatment by prayer or other spiritual means or other treatment recognized as a branch of the healing arts, the cost of such care or treatment represents a "special need" in the amount actually required to purchase such service.

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A-1260 (Continued) A-1260

furnishes prescribed medications (prescriptions and proprietary drugs prescribed by physician) for the individual patient, special medical supplies and appliances required by the patient, or physician's services, and the rate is correspondingly higher, allowance may be made for these special needs in addition to the established maximum. Such allowance shall be based on the charge usually made for these services when provided through the nursing home. When the cost of prescribed medication, special medical supplies, appliances, or physician's services is not included in the nursing home rate, an additional allowance may be made based on the cost of the required item as reported by the recipient or other individual meeting the cost of service.

When a physician or practitioner determines a recipient's condition requires placement in a private room, an additional amount, not to exceed $50, may be allowed to meet the cost for the period this type of accommodation is necessary. If a recipient does not require a private room, but this is the only type of accommodation available, a three months' adjustment period is permitted to enable the recipient to secure care in a ward or semi-private accommodation within the maximum cost allowed for the type of care he requires.

Maximum allowances for nursing home, sanitarium, or rest home care

Group I

The maximum allowance for nursing home care for recipients requiring only a minimum amount of care and service, i.e., board, room, laundry, including personal laundry and some personal service or supervision, shall not exceed $125. An additional allowance of $20 shall be made to meet cost of clothing and incidental needs.

Group II

The maximum allowance for nursing home care for recipients requiring nursing service (rendered by registered or practitical nurses), shall not exceed $165. An additional allowance of $20 shall be made to meet cost of clothing and incidental needs.

Group III

The maximum allowance for nursing home care for recipients who are bedfast or who require extensive nursing care and constant supervision shall not exceed $210. An additional allowance of $20 shall be made to meet cost of clothing and incidental needs.

(Section Continued on Next Page)

A-1260 (Continued) A-1260

2. Medication

Prescription and proprietary drugs or other medications are considered special needs when (1) prescribed by a physician or practitioner of the healing arts, and (2) the cost is in addition to the charge for service.

Determination shall be made of the monthly cost of prescribed drugs or medications on the basis of the recipient's oral or written statement of the monthly cost except that additional verification shall be requested when the cost as reported by the recipient appears to be excessive, or the recipient cannot give a clear statement as to the cost. Special need allowance shall be made to cover only the period for which the medication is needed. There shall be at least an annual redetermination with the recipient of the continued need for the medication. Such redetermination with the recipient shall include consideration as to whether or not the continued use of the medication has been prescribed. When medications are necessary on a continuing basis, and are purchased periodically, the cost is prorated on a monthly basis and the grant need not be adjusted in the month in which it is purchased.

3. Nursing Home, Sanitarium, or Rest Home Care

The cost of Nursing Home, Sanitarium, or Rest Home care represents special need when the recipient's condition requires this type of care, as determined or recommended by the recipient's physician or practitioner.

The maximum allowances for nursing home care, as set forth below, take into consideration the fact that the amount charged will vary according to the kind and extent of services needed by the recipient and according to conditions in various areas.

In order to determine which maximum will apply in a given case, the agency shall secure information from the physician or practitioner as to the kind of care required by the recipient. The nature of the services provided in the nursing home in which the recipient receives care or plans to receive care, and the rate charged shall also be determined. If, in addition to services usually provided, the nursing home also

(Section Continued on Next Page)

A-1260 (Continued) A-1260

6. Nursing Service in Recipient's Own Home

When the provision of nursing service (either by a registered nurse or a practical nurse) permits the recipient to continue living in his own home rather than requiring him to enter a nursing home, an allowance, not to exceed $165 monthly, may be made for nursing service. An additional allowance, not to exceed $30 monthly, may be made to cover cost of food for the nurse. When the nursing service is provided through a Visiting Nurse Association or similar organization (excluding public health nursing service of public health departments) the usual charge per visit shall be allowed instead. When only short term nursing service is required (i.e., less than 15 days) cost of such service may be allowed in accordance with the usual community rate for such service.

7. Supplementary Services Related to Medical Needs

The cost of items listed below represent special need when prescribed by a physician or practitioner, on the basis of the recipient's statement as to cost. Additional verification is needed only when the cost as reported by the recipient appears to be excessive.

a. Laboratory service, X-rays.

b. Prosthetic appliances such as trusses, artificial limbs, etc.

c. Dressings and other sick room supplies, including wheel chairs, hospital beds, crutches, etc.

8. Dental Care

The actual cost of dental care represents a special need not to exceed the maximum allowances set forth below. Allowances cannot be made for services not listed below:

(Section Continued on Next Page)

A-1260 (Continued) A-1260

When the cost of care exceeds the maxima defined under Groups I, II, or III for the type of care required, a three-month adjustment period shall be permitted to enable the recipient to make plans to secure care at a cost within the allowable maximum. If the recipient remains under care beyond the three-month adjustment period at a rate exceeding the maximum for the type of care he requires, and the excess cost is met by income to the recipient, including contributions from relatives and direct payment by relatives or others, the amount of the grant shall be determined by applying all income to the maximum allowable cost of established special need.

Example: Mr. A. requires only the type of care provided under the Group II maximum allowance of $165 (plus $20 for clothing and incidental needs) or a total of $185, but is currently receiving nursing home care at a cost of $200. Mr. A. has no additional special needs. Relatives contribute $125 toward cost of care. There is no other income. When this amount is applied to the established total need ($185) the grant is $60.

When it is found that nursing home care cannot be secured within the maximum allowed under Groups I, II, and III, the situation shall be submitted to the State Department of Social Welfare for review.

4. Private Hospital Care

While care in a private hospital is included in allowable medical care, it is limited, in general, to a three-month period. If a recipient enters a private hospital for medical or surgical care and the cost is met by income to the recipient, including contributions from relatives or county supplemental assistance, aid shall be granted for three calendar months. If, at the end of this period, the recipient continues to require care in the private hospital, the situation shall be reported to the State Department of Social Welfare for further consideration. Note exception under Item 5 below.

5. Prepaid Medical and Hospital Care

When a recipient is enrolled in a prepaid medical care plan (e.g., California Physician's Service, Ross-Loos Medical Group, Permanente Health Plan) or in a prepaid hospital service plan (e.g., Blue Cross, Intercoast Hospitalization Insurance) or carries a disability insurance policy, the cost of the monthly fee may be allowed up to a maximum of $6 monthly. The three-month rule does not apply to care in a private hospital received under an insurance or other prepaid plan.

(Section Continued on Next Page)

A-1260 (Continued) A-1260

The above maximum allowances do not cover state and city sales tax or carrying charges, if any. These costs, if incurred, shall be added to the above maxima.

10. Hearing Aids

When a practitioner of the healing arts recommends the provision of a hearing aid, the cost of the hearing aid represents a special need when a further examination by a licensed physician and surgeon who is an otologist verifies that the recipient will benefit from the use of a hearing aid. (For list of otologists see Circular Letter No. 535 and No. 535 Supplement.)

The cost of the examination by the otologist represents a special need, up to a maximum of $10. A special need allowance not to exceed $175 may be made to cover the cost of a hearing aid. The $175 maximum allowance does not include sales tax or carrying charges and these may be added to the $175 maximum. However, if an allowance is made for carrying charges, it follows that an allowance cannot be made for interest on a loan made to cover the cost of the hearing aid. If interest only is involved, this can be added to the maximum. If another instrument is turned in the trade-in allowance shall be deducted from the $175 maximum.

An exception to the maximum allowance may be made when an otologist makes a specific recommendation that a recipient can benefit only from a type of hearing aid the cost of which exceeds $175.

The monthly upkeep cost of hearing aids represents a special need up to a maximum of $5 per month. (M&IC 2140)

A-1260 (Continued) A-1260

Dentures, full upper or lower	$80.00
Dentures, partial upper or lower	68.00
Duplication, upper or lower, full or partial dentures	30.00
Repairs, broken dentures (no tooth involved)	7.50
Replacing broken teeth in dentures	5.00 (each tooth)
Extractions, single tooth	4.00
Extractions, full mouth	25.00
Bridge work	20.00
Prophylaxis treatment	6.00 (per treatment)
Pyorrhea treatment	6.00 (per treatment)
Amalgam or cement fillings	6.00 (per tooth)
X-ray examinations	
Single first film	2.00
Additional film	1.00
Full month	10.00

9. Eyeglasses (including charge for refraction)

The actual cost of eyeglasses represents a special need within the maximum allowances set forth below:

Bifocal lenses and frame	$20
Single vision lenses and frame	$15

If a recipient already possesses adequate frames, a special allowance shall be made for lenses only. The maximum allowance for bifocal lenses is $7.50 for each lens, and for single vision lenses, $5 for each lens. If tinted lenses are recommended by a physician or practitioner, the additional cost not to exceed $2 for each lens represents special need.

The actual cost of a refraction shall be allowed up to a maximum of $10.

A special need allowance shall be made for only one pair of glasses, e.g., if reading glasses are recommended, an additional allowance cannot be made for glasses for distance vision, or for sun glasses.

(Section Continued on Next Page)

A-1280 SPECIAL NEED TO MEET PAYMENT ON DEBTS A-1280

Required payments on an existing encumbrance against the home of an applicant represent a need to be considered in determining the cost of housing, irrespective of the purpose for which the debt was incurred. Required payments on indebtedness secured by an applicant's furniture or some other item of personal property represent a special need if the item of personal property is a current necessity, irrespective of the purpose for which the debt was incurred.

If a secured debt is incurred or increased while a recipient of aid the reason for such new indebtedness shall be determined. If the secured indebtedness was increased or incurred for purpose of purchasing some item which could not be recognized as a need, the increase in the required encumbrance payment (or the required payment on a new encumbrance) shall not be recognized as a need when determining total need. Likewise such increase in the required encumbrance payment shall not be considered when determining net occupancy value.

Example 1: A recipient placed an $800 second mortgage on his home which sum was borrowed to purchase an automobile. This additional encumbrance increased the required monthly encumbrance payment from $17.30 to $31.50 per month. An automobile is not required for necessary transportation. In determining need for housing the required encumbrance payment on the home shall continue to be allowed on the basis of $17.30 per month.

Example 2: A recipient entered into a new contract for paying off the remaining $800 due on the encumbrance on his home. Under the new arrangements the monthly payments would be reduced but would extend over a longer period. At the same time the encumbrance was increased by $400 which sum was borrowed to finance a trip. The required monthly payment on the $1,200 total indebtedness is $18 a month (principal and interest). Of the total indebtedness 2/3 (800/1,200) represents the amount due on the original loan. The amount of encumbrance payment to be considered in determining housing need is 2/3 of $18 or $12.

Example 3: A recipient secured a $300 loan against his home to provide a required new roof. This represents the only encumbrance. He still owes $280 on the encumbrance and the required monthly payments (interest and principal) are $14 a month. The roof repair represented a need and the need for money to pay off the remaining encumbrance represents a special need which is allowed in determining the housing need of the recipient.

A-1265 SPECIAL NEED FOR HOUSEKEEPING SERVICE A-1265

The cost of housekeeping service represents special need when the physical condition of the recipient is such that the service is required. This includes the cost of outside help to do occasional heavy cleaning, such as floors, woodwork, windows, etc., for persons who maintain their own household or live in a rented room where such service is not furnished without charge. The amount allowed for such service shall be based on the customary rate for such service in the community. No allowance shall be made for service relating to upkeep of the recipient's lawn or for other yard work. (W&IC 2140)

A-1270 SPECIAL NEED FOR LAUNDRY SERVICE A-1270

The actual cost of laundry service, not to exceed the maximum of $5 a month, represents a special need when the recipient does not have facilities for doing the laundry himself or when his health or handicap prevents such activity. (W&IC 2140)

A-1275 SPECIAL NEED FOR TELEPHONE A-1275

The cost of a telephone represents special need not to exceed $4 a month when a telephone is necessary because of a health condition, blindness, or isolation. (W&IC 2140)

A-1280 (Continued) A-1280

The required monthly payment on an encumbrance placed by a recipient against his home shall not be considered a current need if the grant plus the income has equalled total need which included allowance for the item for which the property was encumbered (or the encumbrance increased).

Example 4: The recipient's total need including prorated monthly taxes has been such that his grant and his income equalled his total need. He borrows $150 to pay his taxes, and gives a mortgage on his home as security for the loan. This represents the only encumbrance on his home. Required payments on the loan shall not be considered as a housing need and the full occupancy value continues to represent income.

The need for money to pay unsecured debts incurred while a recipient of aid represents a special need only if the item for which the past indebtedness was incurred represents a current necessity.

Example 5: In July a recipient having no income bought an artificial limb costing $250. He made a down payment of $50 which was withdrawn from his bank account, and agreed to pay $10 a month thereafter. In November he began to receive continuing income in the amount of $10 a month. He reported the income and also reported that he still owes $180 on the artificial limb. Special need of $10 is allowed beginning in November, and continues until allowance has been made for the payment of the $180 indebtedness.

No allowance shall be made for required payments on an unsecured debt incurred prior to receipt of aid. (W&IC 2140)

PAYMENT OF AID

A-1300 AMOUNT OF AID A-1300

OAS shall be granted in the amount to which the applicant or recipient is eligible. The amount of the aid payment is based on the individual's income, including the value of his currently used resources (other than casual income and inconsequential resources) and his total need, including allowable special needs. If the individual has no special needs, his income is subtracted from $75 and the difference represents the amount of the aid payment. If the individual has allowable special needs, his income is subtracted from his total need. The difference, up to a maximum of $75, represents the amount of the aid payment. (W&IC 2020, 2140)

A-1302 BEGINNING DATE OF AID --NEW APPLICATIONS A-1302

The beginning date of aid on every new application is determined as follows:

1. Aid shall begin on the date the application is signed if the application is granted in the same month in which the application is signed.

   Example: Application signed September 6, and granted September 21. Aid begins September 6.

2. Aid shall begin on the first day of the month in which the application was granted when the application was signed in a previous month; and

   a. In the case of reapplication in the same county following discontinuance because of employment 30 days or less have elapsed between the date the application was signed and the date investigation is completed by county action granting aid.

      Example: Application signed September 6, and granted October 3. Aid begins October 1.

   b. In all other cases 60 days or less have elapsed between the date the application was signed and the date of county action granting aid.

      Example: Application signed September 6, and granted October 16. Aid begins October 1.

3. When the investigation of the application is not completed by action of the county within the time limit specified in 2 above, aid shall begin as follows:

   a. In the case of reapplication in the same county following discontinuance because of employment when 30 days from the date the request was signed have elapsed, aid shall be granted effective the first day of the month in which

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the 30-day period expired. Thecounty shall take the necessary action on the expiration of the 30-day period irrespective of whether the fact of eligibility has been established. (The Certificate of Eligibility, Ag 201, reporting such action shall show either that the grant of aid was based on established eligibility or was granted as a "conditional grant-presumptive eligibility". See Sec. A-288, Authorization of Aid Following Discontinuance Due to Employment.)

Example: Reapplication signed September 10. The 30-day period expires October 10 and investigation is not yet completed. Aid is conditionally restored on October 10 to begin October 1.

b. In all other cases when aid is granted on the 61st or some subsequent date after the application was signed, aid shall begin on the first of the month in which the application is granted, or from the first of the month following the expiration of the 60-day period, whichever is earlier. (See Sec. A-1316, Retroactive Aid Payments.)

Example 1: Application signed July 15, granted September 15; 60-day period ended September 13. Aid is paid from September 1 as the first of the month in which the application is granted is earlier than the 1st of the month following the end of the 60-day period.

Example 2: Application signed July 5. 60-day period ended September 3. Application granted November 8. Aid is paid October 1, as first of month following end of 60-day period is earlier than 1st of month in which the application is granted.

The day following that on which the application is signed represents the 1st day of the investigation period. When the 60th or 30th calendar day falls on a Sunday or legal holiday, the following day is considered the last day of the investigation period.

4. When an application for aid has been improperly denied and such action is later rescinded, aid shall begin on the date aid would have begun had there been no denial action. (See Sec. A-1316, Retroactive Aid Payments.)

5. Aid shall begin on the date specified by the SSWB in an order awarding aid. (See Sec. A-1314, Payments Made Upon Order of the SSWB.)

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The beginning date of aid shall not antedate the signing of the application. Exception: When the recipient transfers from one county to another, the beginning date of aid in the second county may antedate the signing of the application in the second county. (See Sec. A-1420 B-1, Procedure For Transfer of Aid.) When the application is signed within 60 days prior to the date on which the applicant will become 65 years of age, the beginning date of aid shall not be prior to the date on which the applicant became 65 years old.

If investigation established eligibility only from a date subsequent to the date when aid should be effective under the provisions of W&IC Sec. 2183, or 2183.9 aid shall not be granted prior to the date on which the applicant became eligible as established by the investigation. (When the provisions of W&IC Sec. 2183, or 2183.9 indicate that aid should begin from the first of a month preceding that in which the application is granted, but retroactive aid is not paid because of ineligibility of the applicant during one or more of such months, a statement of the specific reason for the applicant's ineligibility for such payment shall be made on the Certificate of Verification of Eligibility, Form Ag 201.) (W&IC 2140, 2180.1, 2183, 2183.9, FSS Admin.)

A-1304 BEGINNING DATE OF AID--RESTORATIONS

A-1304

The effective date of restoration of aid is determined as follows:

Restorations shall be effective as of the first day of the month in which county action is taken unless the status of eligibility requires that a later date be specified. However, if OAS was discontinued because of employment and following such discontinuance the former recipient makes request to the same county for restoration, the date of the written request for restoration (See Sec. A-2804, Reapplication or Restoration ~~after~~ Following Discontinuance Due to Employment) governs the beginning date of aid as follows:

1. When all of the facts have been determined and the investigation is completed by county action in the same month in which the request is signed the aid is restored from the date of the written request.

   Example: Restoration request signed on March 16 and granted on March 23. Aid begins March 16.

2. When the request for restoration was signed in a previous month, the facts have been determined, and 30 days or less have elapsed between the date the request was signed and the date investigation is completed by county action, the aid is restored from the first day of the month in which the county action occurrs.

   Example: Restoration request signed on March 16, and granted on April 15. Aid begins April 1.

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3. When 30 days have elapsed from the date the request was signed, aid shall be restored effective the 1st day of the month in which the 30-day period expired. The county shall take the necessary action immediately following the expiration of the 30-day period irrespective of whether the fact of eligibility has been established. (The Notice of Change, Ag 232, reporting such action shall show either that the restoration was based on established eligibility or was a "conditional" restoration based on presumptive eligibility. See Secs. A-284, Reapplication or Restoration Following Discontinuance Due to Employment, and A-1322, Instruction for Use of Notice of Change, Sub section C.)

Example 1: Restoration requested 10/4, 30 days expire 11/3. All information necessary to the restoration has been secured except verification of net income from real property. By county action on 11/14 aid is "conditionally" restored effective 11/1 on the basis of man's statement as to amount of net income received.

In every case in which aid is conditionally granted or restored and the facts subsequently secured establishes eligibility to the amount of aid paid from the effective date of such restoration, further action of the county is required confirming the "conditional" grant or restoration. (The confirming action shall be reported on a Notice of Change.)

The day following that on which the former recipient requests restoration represents the first day of the investigation period. When the 30th day falls on a Sunday or a legal holiday, the following date is considered the 30th day. (W&IC 2140, 2182, 2183.9)

A-1306 INITIAL PAYMENTS A-1306

Initial payments are the first payments made on new applications and restorations.

Initial payments of aid shall be made within the month for which such aid is granted or not later in the following month than the time when such payments would normally be issued under the county's customary fiscal procedure, except as noted below. Initial payments may not be suspended. (See Sec. A-1324, Suspension Procedure.)

When aid begins on the first day of a month, payment shall be made for the full month. When aid begins during a month, the initial payment shall cover only the portion of the month for which aid is granted including the beginning day.

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Initial payments shall be paid for months prior to that in which the county grants an application in the following instances: (See Sec. A-1316, Retroactive Aid Payments.)

1. If aid is granted on appeal by the SSWB or by the board of supervisors.

2. If the SDSW concurs in a county recommendation that retroactive aid be paid. (See Sec. A-1576, Stipulated Appeals)

3. If retroactive aid is granted because an application for aid has been improperly denied and such action is later rescinded. (See Sec. A-1302, Beginning Date of Aid--New Applications.)

4. If, after discontinuance due to employment, aid is conditionally restored by action in the month following that in which the 30-day period ended.

   Example 1: An OAS request for restoration after discontinuance due to employment is signed on February 25; the investigation is not completed by March 27. On April 2 the county authorizes conditional restoration of aid as of March 1.

5. If retroactive aid is granted because the investigation is not completed within 60 days after application is made. If the investigation has required more than 60 days on new applications and the payment of retroactive aid is necessary, the payment of such retroactive aid represents the initial payment. Such payment will not be made in the month or months for which the retroactive aid is granted. In such cases, the retroactive payments shall be made in the month of county action granting the application if possible, and otherwise not later in the following month than the time when such payment would normally be issued under the county's customary fiscal procedure. (See Secs. A-1302, Beginning Date of Aid--New Applications and A-1352, When Federal Participation is Available.)

   Example 2: An application signed on August 5, is granted the following January 10 with aid to begin November 1. November, December, and January payments shall be made in January. (Had county action occurred so late in January that it was not possible to make the payments in January, the payments for November, December and January would be made in February.)

The amount of the grant for each month for which retroactive aid is paid shall be the amount for which the applicant is eligible.

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Example 3: The 60-day period expired September 27, but county action determining eligibility is not taken until November 3. Aid is granted effective October 1. The applicant has a regular income of $25 a month from a veteran's pension and $4 a month value of occupancy making a total income of $29 a month. Total need in October was $77, but increased to $87 on November 1. On November 3, aid is granted effective October 1, and the Certificate of Eligibility shows total need of $77, income $29. Grant of aid $48. Also on November 3 the county acts on a Notice of Change increasing aid to $58 effective November 1. (Total need $87 less income $29 equals $58.) (W&IC 2140, 2182, 2183, 2183.9; FSS Admin.)

A-1308 INCREASE IN GRANT A-1308

The grant of aid shall be increased as soon as possible if a change in need and/or income causes the amount of the grant together with income to fall below the amount to which the recipient is entitled. Underpayments in months for which the recipient has already received a grant shall be adjusted by payment of retroactive aid when additional aid is found to be due the recipient under the provisions of Section ~~361-25~~ A-1316, Retroactive Aid Payments By County, Item 11.

If monthly interest payments in decreasing amounts (which have not been determined an inconsequential resource) are received, either of the two following methods may be used for adjusting the grant.

1. The total amount of income from this source may be determined for each three-month period. Any necessary adjustment in the grant may be made in the first or not later than the second month following the end of the three-month period for which the amount was determined.

2. The total amount of income from this source may be determined for the ensuing twelve-month period and the monthly average thereof taken into consideration in making any necessary adjustment in the monthly grant. (W&IC 2140)

A-1310 DECREASE IN GRANT A-1310

The grant of aid shall be decreased as soon as possible if a change in total need and/or income causes the amount of the grant together with the income to exceed the recipient's total need.

If the exact amount of income to be received in a given month is known in advance, or it is known in advance that a particular special need will no longer exist, any necessary decrease in the grant shall be made effective with the month in which such changed circumstances will occur.

Example 1: The county determines on October 10 that a recipient will receive his first $20 monthly payment from an annuity in November. The income plus the current grant will exceed total need. The grant is decreased effective November 1.

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Example 2: It is known in advance that a $10 special need allowance must be deleted from the recipient's total need determination beginning May 1 because allowance for the full cost of the roof repair will have been made by that time. Any necessary adjustment in the grant shall be made effective May 1.

Under certain circumstances adjustment for overpayment is made by an appropriate decrease in the grant if the recipient remains otherwise eligible. Such decrease shall be made as soon as possible after the necessity for such adjustment becomes known, but in no event may the decrease be effective later than the second month following that in which the overpayment occurred.

The extent of the overpayment together with the income may be such that full adjustment for the overpayment cannot be made by reducing the grant (or discontinuing aid for one month - see Sec. A-1312) in the second month following that in which the overpayment occurred. Under such circumstances delivery of the warrant for an earlier month should be withheld, if possible. The withheld warrant should then be cancelled and rewritten in the decreased amount authorized, unless repayment has already been made.

Example 3: An OAS recipient with total need of $80 a month and net rental income of $20 has been receiving a grant of $60. On February 18 he starts receiving and reports immediately $25 additional income to be received each month. If it is too late to make the adjustment in March, the county would normally make the adjustment in April. Meanwhile, overpayment of $25 would have occurred in each of the months of February and March. In computing the adjustment to be made in April it is obvious that complete adjustment for the overpayment cannot be made in the April warrant because the $50 overpayment for February and March exceeds $35 ($80 less $45), the amount of aid to which he would otherwise be entitled in April had no overpayment occurred. The March warrant is held and cancelled. The county authorizes the decrease for March and the canceled warrant is rewritten for $10, the amount to which he would otherwise be entitled in March ($35) less the overpayment in February ($25). The grant is then adjusted upward for April to $35 (need $80, income $45).

The month for which aid is decreased is known as the "month of adjustment." (See Sec. A-1312 for adjustment by discontinuance of aid if the overpayment to be adjusted is in such amount that the otherwise eligible recipient would be entitled to receive no payment in the month of adjustment.)

A. Overpayment Due to Income (and/or Change in Total Need)

Overpayment occurs when the income and/or the need in a particular month causes the amount of the grant together with the income to exceed total need for that month.

When determining total need for the particular month, no consideration shall be given to needs which had not been reported to the county prior to the end of the particular month except when special circumstances prevented the recipient from notifying the county of his changed circumstances before the end of that month.

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Special circumstances include:

1 Illness

2 The need arose too late in the month to give the recipient reasonable time in which to report the need within the month

3 Infrequent mail service from isolated areas, etc.

If the changed circumstances are reported as soon as the recipient could reasonably be expected to do so, but not later than the month following that in which the change occurred, the need shall be recognized for the month in which it occurred rather than in the month reported.

The amount of the grant for the "month of adjustment" shall be determined by subtracting the amount of overpayment occurring in the two preceding months from the amount of aid to which the recipient would have been entitled in the month of adjustment, had no overpayment occurred. The need in the month of adjustment (or the need in any other month) shall not be increased by carrying forward any deficiency between the total need in a previous month, and the sum of the grant and the income in such previous month.

Example 4: In April an OAS recipient reports that he secured steady work earning $15 net income in November and thereafter. Total need in March and April was $80. The recipient was eligible in March and April for $65 ($80 less $15) but received $75, resulting in a $10 overpayment in each of these months. The recipient would have been entitled to receive $65 in May had no overpayment occurred. Aid is decreased effective May 1 to $45 ($65, the amount to which he would have been entitled had no overpayment occurred, less $20, the overpayment in March and April). (Repayment is requested to the extent of the overpayment occurring between November 1 and February 28.)

A decrease in the grant (or cash adjustment by means of a refund from the current income including the grant for which the recipient is currently eligible) shall not be made because of overpayment prior to the second month preceding the month of adjustment. If an overpayment resulting from increased income (and/or reduced need) is discovered too late to adjust the grant within this time limit, request for repayment shall be governed by Sec. A-1358, Right to Request Repayment of Aid.

B. Overpayment Due to Excess Personal or Real Property

If real or personal property has exceeded the legal limitation but has been reduced within the maximum, thus making the recipient eligible for continued aid, the grant shall be decreased to adjust for overpayment, if any, which occurred in the two months preceding the month of adjustment.

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Overpayment occurred for any month in which property was excessive on the first day of the month. (If there was an overpayment prior to the two months preceding the month of adjustment, such overpayment is subject to collection under the provisions of Sec. A-1358, Right to Request Repayment of Aid.)

1. Recipient Purposely Withheld (or Misrepresented) the Facts

The grant shall be adjusted by deducting the amount of aid paid during the one and/or two months preceding the month of adjustment (provided property was excessive on the first day of either or both of those months) from the amount for which the recipient would otherwise be eligible in the month of adjustment.

Example 5: The county discovers on December 16 that an OAS recipient's personal property totaled $1,212 since July 1. The recipient admitted he did not report the change in his circumstances as he did not wish his grant of $20 stopped. By January 1 the property is reduced within the amount allowable. Total need in January, the month of adjustment, is $95 and the recipient has $15 income in that month. He would be entitled to receive $75 were it not for the overpayment in November and December due to excess personal property. Effective January 1 the grant is reduced to $35 ($75, the amount he would receive had there been no overpayment, less $40, the total amount of aid paid for November and December). (The overpayment for the period July 1 through October 31, is subject to collection - see Sec. A-1358.)

2. Recipient Failed to Disclose Facts Believing Them To Be Immaterial to Eligibility

If property was excessive on the first day of either or both of the two months preceding the month of adjustment, determine the largest amount by which the property was excessive on any day during such ineligible period. This amount, or the amount of aid paid in those two months, whichever is the lesser, shall be deducted from the amount to which the recipient would otherwise be entitled in the month of adjustment. If there was continuous ineligibility because excess property existed both during and prior to the two months preceding the month of adjustment and the highest excess in the total period of ineligibility was greater than the amount adjusted through the decrease, the unadjusted remainder is subject to collection.

Example 6: During November the county discovers that an OAS recipient was ineligible on October 1, as total value of his personal property was $1,207. This value increased to $1,227 on October 20, was reduced to $1,220 by November 1, and during November was further reduced within the amount allowable. The recipient failed to report the increase in his personal property holdings because he believed the increase had no bearing upon his eligibility. His total need in December is $100 and he has $20 income. Had there been no overpayment in October or

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November the recipient would have been entitled to a $75 grant for December. The highest amount of excess ($27) is deducted from the grant for which he would otherwise be eligible in December. The grant for December is, therefore, $48 ($75 less $27 excess property).

Example 7: The county discovers on February 5 that an OAS recipient's personal property had been excessive since last September 1st. Personal property had gradually been reduced from a maximum of $1,335 in September. The highest excess between January 1 and February 28 was $17. By March 1 the personal property is reduced within the amount allowable. Although the recipient was ineligible from September through February, it is determined that he failed to disclose the facts because he believed they were immaterial to his eligibility. Thus adjustment is in order only for the highest amount of the excess. Were it not for the overpayment which occurred in January and February the recipient would be entitled to receive a grant in March of $70. The highest amount by which personal property was excessive between January 1 and February 28, the two months preceding the month of adjustment, was $17. The March grant is reduced to $53 ($70 less $17 excess). The highest excess personal property during the total period of ineligibility was $135. Of this excess $118 remains unadjusted ($135 maximum excess less the $17 adjusted by decrease in March grant). This unadjusted excess is subject to collection under the provisions of Sec. A-1358.

If the discovery of the excess property occurs too late to make the adjustment effective not later than the second month following that in which ineligibility existed, the right exists to request repayment. TP Broken periods of ineligibility may have occurred due to fluctuation in the value of the same holdings, i.e., the recipient did not add to his bank account or other items of personal property and the ineligibility resulted solely from fluctuation in the market value of his holdings, as in the case of corporation stock. Under such circumstances determine in which one of the sevaral ineligible periods the property reached the highest excess. If ineligibility existed in the first and/or second month preceding the month of adjustment, the grant to which the recipient would otherwise be eligible in the month of adjustment shall be decreased to the extent of the highest excess in that period. Any unadjusted balance of the repayment due is subject to collection.

3. Recipient Had No Knowledge of the Facts

Any overpayment during the two months preceding the month of adjustment shall be adjusted as set forth in Sec. B-2, Recipient Failed to Disclose Facts Believing Them To Be Immaterial to Eligibility. There is no right to request repayment for overpayment which occurred in months prior to the second month preceding the month of adjustment. (See Sec. A-1358)

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C. Overpayment Due to Reason Other Than Income or Excess Property

If overpayment occurred for reason other than income (and/or change in need) or excess property and the circumstances have so changed that the recipient is eligible to receive aid in the month of adjustment, the grant for which the recipient would otherwise be eligible in that month is decreased to the extent of the repayment due for the two months preceding the month of adjustment.

Example 8: An OAS recipient's application was signed on October 6. Aid in the amount of $75 was granted from October 1. Since aid may not antedate the signing of the application the recipient was overpaid for five days in October or $12.10. Were it not for the overpayment which occurred in October the recipient would be entitled to receive $75 in November. The grant for that month is decreased to $62.90 ($75 less $12.10) and increased to $75 effective December 1.

If the ineligibility is discovered too late to make the adjustment effective not later than the second month following that in which ineligibility occurred, the right exists to request repayment only if the recipient purposely withheld information in order to obtain aid to which he was not entitled.

D. Overpayment When Two Ineligibility Factors Exist Concurrently

Two causes of ineligibility may exist concurrently, i.e., the recipient may have been overpaid because of income (and/or change in need), and during the same period personal property holdings may have been excessive. Compute the total amount of repayment due on the basis of each cause of ineligibility. Adjustment and/or request for repayment shall then be based upon the single eligibility factor which resulted in the larger amount of repayment due. If circumstances have so changed that the recipient is currently eligible, and adjustment can be made not later than the second month following a month in which overpayment occurred, preceed as herein outlined in A, B, or C, whichever is appropriate.

E. Offsetting Under and Overpayments Within the Two Months Preceding the Month of Adjustment

Circumstances may arise wherein the recipient is overpaid during one of the two months preceding the month of adjustment, and is entitled to receive retroactive aid for the other month. In lieu of issuing a retroactive aid payment for one of the two months preceding the month of adjustment, the amount of overpayment occurring in the other month may be reduced to the extent of the amount of retroactive aid due for the month in which the recipient was underpaid. The amount of overpayment so reduced shall then be considered in determining the grant for the month of adjustment.

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A-1310 (Continued)

c. Overpayment Due to Reason Other Than Income or Excess Property

If overpayment occurred for reason other than income (and/or change in need) or excess property and the circumstances have so changed that the recipient is eligible to receive aid in the month of adjustment, the grant for which the recipient would otherwise be eligible in that month is decreased to the extent of the repayment due for the two months preceding the month of adjustment.

Example 8: An OAP recipient's application was mailed on October 6. Aid in the amount of $75 was granted from October 1. Since aid may not antedate the signing of the application the recipient was overpaid for five days in October or $12.50. Were it not for the overpayment which occurred in October the recipient would be entitled to receive $75 in November. The grant for that month is decreased to $62.50 ($75 less $12.50) and increased to $75 effective December 1.

If the ineligibility is discovered too late to make the adjustment effective not later than the second month following that in which ineligibility occurred, the right exists to request repayment only if the recipient possesses sufficient information in order to obtain aid to which he was not entitled.

D. Overpayment When Two Ineligibility Factors Exist Concurrently

Two causes of ineligibility may exist concurrently, i.e., the recipient may have been overpaid because of income (and/or change in need), and during the same period personal property holdings may have been excessive. Compute the total amount of repayment due on the basis of each cause of ineligibility. Adjustment and/or request for repayment shall then be based upon the single ineligibility factor which resulted in the larger amount of repayment due. If circumstances have so changed that the recipient is currently eligible, and adjustment can be made not later than the second month following a month in which overpayment occurred, proceed as therein outlined in A, B, or C, whichever is appropriate.

E. Offsetting Under and Overpayments Within the Two Months Preceding the Month of Adjustment

Circumstances may arise wherein the recipient is overpaid during one of the two months preceding the month of adjustment, and is entitled to receive retroactive aid for the other month. In lieu of issuing a retroactive aid payment for one or the two months preceding the month of adjustment, the amount of overpayment occurring in the other month may be reduced to the extent of the amount of retroactive aid due for the month in which the recipient was underpaid. The amount of overpayment so reduced shall then be considered in determining the grant for the month of adjustment.

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Example 9: On May 29 an OAS recipient receiving $10 income and a $65 grant reports a medical need in that month costing $10. Thus his need for May is increased to $85. Since he received $65 for May and was entitled to receive $75, retroactive aid in the amount of $10 is due for May to adjust the underpayment. He also reports that beginning in June his continuing income will be increased to $30 a month. His need and income in June are such that he is entitled to receive a grant of $45 for that month. It is too late to adjust the June payment so in June he receives a $65 payment whereas he was entitled to $45 only, an overpayment of $20. The overpayment in June is considered to be reduced to the extent of the $10 underpayment in May, a net overpayment of $10. Had it not been for the overpayment the recipient would have been entitled to receive a $45 grant for July. This amount, less the $10 net overpayment, results in a $35

Insert:

Should the underpayment in one of the two months preceding the month of adjustment exceed overpayment in the other month, the amount of retroactive aid to be granted for the month in which underpayment occurred shall be reduced to the extent of the overpayment in such other month. No grant adjustment for the overpayment is necessary.

Full detail shall be recorded in the case record whenever underpayment within the two months preceding the month of adjustment is considered to be offset by overpayment within those two months, or vice versa. (W&IC 2020, 2140; AGO NS4473)

payment during such past period shall be determined in accord with Sec. A-1358, Right to Request Repayment of Aid.

If a recipient is eligible on the first day of the month but a change in circumstances during the month renders him ineligible for further payments, no repayment is required, provided aid is discontinued effective the last day of that same month.

Example 1: An OAS recipient having no income and no need in excess of $75 received a $75 grant on October 1. On October 17 he began receiving a regular monthly income of $85. Aid is discontinued October 31. There is no repayment due.

If aid is discontinued effective with the last day of the month following that in which ineligibility occurred, overpayment began in the month in which the income was received (and/or change in need occurred) even though the recipient was eligible on the first day of that month.

Example 2: An OAS recipient having no income and no need in excess of $75 received a $75 grant on October 1. On October 17 he began receiving a regular monthly income of $85. He did not report the income until November 13. Meanwhile he received and cashed his November warrant. Overpayment occurred in both October and November (because the income received in each of those months exceeded total need as provided in W&IC 2020).

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A-1320 (Continued)

he no longer meets the eligibility requirements. The discontinuance shall be effective as soon as possible after the necessity for discontinuance becomes known. However, aid shall continue to an otherwise eligible recipient if the past ineligibility is not discovered in time to discontinue aid effective not later than the last day of the month following that in which ineligibility occurred. Under these circumstances request for repayment during such past period shall be determined in accord with Sec. A-1330, Right to Request Repayment of Aid.

If a recipient is eligible on the first day of the month but a change in circumstances during the month renders him ineligible for further payments, no repayment is required, provided aid is discontinued effective the last day of that same month.

Example 1: An OAS recipient having no income and no need in excess of $75 received a $75 grant on October 1. On October 17 he began receiving a regular monthly income of $85. Aid is discontinued October 31. There is no repayment due.

If aid is discontinued effective with the last day of the month following that in which ineligibility occurred, overpayment began in the month in which the income was received (and/or change in need occurred) even though the recipient was eligible on the first day of that month.

Example 2: An OAS recipient having no income and no need in excess of $75 received a $75 grant on October 1. On October 17 he began receiving a regular monthly income of $85. He did not report his income until November 15. Nevertheless received and ended his November warrant. Overpayment occurred in both October and November (because the income received in each of those months exceeded total need as provided in WELF 2020).

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Under all other circumstances ineligibility does not begin until the first of the month following that in which the changed circumstances occurred.

Example 3: An OAS recipient owning no personal property on October 1 received a $1,500 inheritance on October 17. He did not report the inheritance until November 13. Meanwhile he had received and cashed his November warrant. Overpayment occurred in November only (because he was eligible when the October aid was "paid to him", but was not eligible when the November aid was "paid to him", as provided in W&IC 2163).

B. Discontinuance for One Month to Adjust for Overpayment

Under certain circumstances aid to an otherwise eligible recipient is discontinued for one month in order to adjust for overpayment in the preceding first and/or second month. The month for which aid is discontinued is known as the "month of adjustment."

1. Overpayment Due to Income (and/or Change in Need)

Aid to an otherwise eligible recipient shall be discontinued for one month if the amount of overpayment in the two preceding months exceeds the amount of aid to which the recipient would otherwise be entitled in the month of adjustment. The need in the month of adjustment shall not be increased by carrying forward any deficiency between the total need in a previous month, and the sum of the grant and the income in such previous month. Likewise any such deficiency shall not be considered when determining the amount of overpayment in any previous month.

When determining total need for a particular month, no consideration shall be given to needs which had not been reported to the county prior to the end of the particular month except when special circumstances prevented the recipient from notifying the county of his changed circumstances before the end of that month.

Special circumstances include:

a. Illness

b. The need arose too late in the month to give the recipient reasonable time in which to report within the month

c. Infrequent mail service, etc.

If the changed circumstances are reported as soon as the recipient could reasonably be expected to do so but not later than the month following that in which the change occurred, the need shall be recognized for the month in which it occurred, rather than in the month reported. Discontinuance for one month (provided the recipient would have been eligible had no overpayment occurred) adjusts for overpayment during the two preceding months to the extent of the amount of aid to which the recipient would have been entitled in the month of adjustment, had no overpayment occurred. Request for repayment of any unadjusted remainder of the overpayment shall be governed by Sec. A-1358.

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Example 4: An OAS recipient was receiving a $75 grant because he had no income. On May 3 he began to receive continuing income of $50 a month which was not reported until June 14. He reported no special needs, and overpayment of $50 occurred in each of the months of May and June, a total of $100. Aid is discontinued effective June 30 because the $100 overpayment exceeds the $25 grant to which he would otherwise be entitled for July. Aid is restored in the amount of $25 effective August 1. Discontinuance for the month of July adjusts for $25 of the $100 overpayment and repayment of the $75 unadjusted balance is requested.

2. Overpayment due to Excess Real or Personal Property

a. Recipient Purposely Withheld (or Misrepresented) the Facts.

If property holdings were excessive on the first day of any month for which aid was paid, overpayment occurred to the extent of the aid paid for the particular month. Aid shall be discontinued for one month for an otherwise eligible recipient if the overpayment in the first and/or second month prior to the month of adjustment is equal to or more than the grant the recipient would have received in the month of adjustment.

Example 5: The recipient whose grant was $65 a month purposely withheld the facts and on October 15 the county discovers that his real property holdings were excessive on the first day of each of the months of September and October. On October 10 he sold a lot for $300. His real property holdings were reduced within the maximum and his personal property including the proceeds received from the sale are within the maximum on November 1. Had it not been for the overpayment of $130 (the full grant for September and October) he would have been entitled to receive a grant of $65 in November (the month of adjustment). Aid is discontinued effective October 31, and is restored effective December 1. The discontinuance for the month of November adjusts for $65 of the $130 overpayment. Repayment to the extent of the unadjusted balance shall be requested. (See Sec. A-1358.)

b. Recipient Failed to Disclose Facts Believing Them to Be Immaterial to Eligibility.

If property holdings are excessive on the first day of one or more months a grant adjustment and/or request for repayment shall be made on the basis of the highest amount by which property holdings were excessive on any day during the total period of ineligibility, or the amount of aid paid during the period of ineligibility, whichever is lesser.

Aid to an otherwise eligible recipient shall be discontinued for one month when the largest amount by which property holdings were excessive during the two preceding months (or the amount of aid paid during those two months, whichever is the lesser amount) is equal to or more than the amount of aid to which the

(Section Continued on Next Page)

recipient would otherwise be entitled in the month of adjustment. (If the highest excess in such period is less than the amount of aid to which the recipient would otherwise be entitled in the month of adjustment, appropriate decrease shall be made in the grant - see Sec. A-1310, Decrease in Grant.)

Example 6: On October 15 the county discovers that an OAS recipient's personal property has been excessive since July 1. The highest excess was $190 which occurred on August 8. In September the highest excess was $80 and total holdings are within the maximum by November 1. The recipient's need and income are such that he would have been entitled to receive a grant of $75 in November had it not been for the overpayment which occurred in the two preceding months. Aid is discontinued effective October 31 because the highest excess occurring in the previous two-months' period exceeded $75. Aid is restored effective December 1. The discontinuance for November adjusts for $75 of the total excess ($190). Repayment to the extent of the unadjusted balance of $115 shall be requested. (See Sec. A-1358.)

Broken periods of ineligibility may have occurred due to fluctuation in the value of the same holdings, i.e., the recipient did not add to his bank account or other items of personal property and the ineligibility resulted solely from fluctuation in the market value of his holdings, as in the case of corporation stock. Under such circumstances determine in which one of the several ineligible periods the property reached the highest excess. This amount, or the amount of aid paid during the various periods of ineligibility whichever is lesser, represents the amount of repayment due. Aid shall be discontinued for one month if ineligibility existed during the first and/or second month preceding the month of adjustment and the highest excess in that period is equal to or more than the amount of aid for which the recipient would otherwise be eligible in the month of adjustment. Any unadjusted balance of the repayment due is subject to collection.

c Recipient Had No Knowledge of the Facts

Overpayment during the two months preceding the month of adjustment shall be adjusted as set forth in Item b, Recipient Failed to Disclose Facts Believing Them to be Immaterial to Eligibility. There is right to request repayment for any unadjusted balance of the overpayment occurring within that two-month period provided such request is made on or before the last day of the month of adjustment. No request for repayment or follow-up on a previous request may be made thereafter. There is no right to request repayment for overpayment which occurred prior to the second month preceding the month of adjustment. (See Sec. A-1358.)

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3. Overpayment Due to Factors Other Than Property or Income

Overpayment may have occurred for reason other than income (and/or change in need) or excess property, and the circumstances may have so changed that the recipient is eligible to receive aid. Aid shall be discontinued for one month if the amount of overpayment occurring within the two months preceding the month of adjustment is equal to or more than the amount of aid to which the recipient would otherwise be entitled in the month of adjustment. There is right to request repayment of any unadjusted balance of the overpayment occurring in the two preceding months provided such request is made not later than the last day of the month of adjustment. There is no right to request repayment for overpayment which occurred prior to the second month preceding the month of adjustment unless the recipient purposely withheld or misrepresented the facts as to his eligibility. (If the overpayment in the two months preceding the month of adjustment is less than the amount of aid to which the recipient would be entitled in the month of adjustment, appropriate decrease shall be made in the grant. (See Sec. A-1310, Decrease in Grant.)

Discontinuance of aid is effective as of the last day of the month for which the last warrant was delivered.

Discontinuance of aid for a month for which the recipient would not have been entitled to receive a payment in some amount adjusts for no portion of any previous overpayment.

When aid is restored following discontinuance for one month to adjust for overpayment, the amount of aid granted shall be determined on the basis of the need and the income at the time of restoration. Under no circumstances may a lesser amount be granted to adjust for any unadjusted balance of a previous overpayment.

Two causes of ineligibility may have existed concurrently, i.e., the recipient may have been overpaid because of income (and/or a change in need), and during the same period personal property holdings may have been excessive. If so, compute the amount of repayment due on the basis of each cause of ineligibility. Adjust on the basis of the single factor of ineligibility which resulted in the larger amount of repayment due as outlined herein in Item 1, 2 or 3, whichever is applicable.

~~(W&IC 2020, 2140, 2220; AGO 4473)~~

~~Should the underpayment in one of the two months preceding the month of adjustment exceed overpayment in the other month, the amount of retroactive aid to be granted for the month in which underpayment occurred shall be reduced to the extent of the overpayment in such other month. No grant adjustment for the overpayment is necessary.~~

~~Full detail shall be recorded in the case record whenever underpayment within the two months preceding the month of adjustment is considered to be offset by overpayment within those two months, or vice versa.~~ (W&IC 2020, 2140, AGO NS 4473)

A-1314 PAYMENTS MADE UPON ORDER OF THE SSWB A-1314

Payment shall be made in the amount awarded and for the period designated by the order of the SSWB in cases of appeal. State participation is available in all such payments. Federal participation is available for retroactive payments in such cases for not more than two months immediately preceding the month in which the appeal is signed. (See chapter entitled Fair Hearings.) (W&IC 2140, 2182)

A-1316 RETROACTIVE AID PAYMENTS A-1316

Retroactive aid means aid paid in a subsequent month for some preced-

Insert:

All payments of aid shall be made within the month for which aid is granted (see Sec. A-1302, Beginning Date of Aid--New Applications) except that

gation exceeded the period specified in Sec. 2183 or Sec. 2183.9 (See Sec. A-1306, Initial Payments.) The action of the county may be an original action on the application or it may be a subsequent action to correct the original action where it is found that the beginning date originally established was not in accord with the legal provisions.

Example 1: An OAS application which was signed on July 15 was granted on September 15, aid to start effective October 1. On October 25 the county discovers that aid should have been effective September 1 according to the provisions of W&IC 2183. On November 2 the county takes action correcting the erroneous beginning date of aid by ordering aid paid effective September 1.

3. When an authorized award is in effect, but through error no payment is made, and the payment due is made within a three-month period, including the month in which no payment was made. No further county action is necessary.

4. When a payment in a particular month is made for less than the authorized award for that month, and the additional payment due is made within a three-month period, including the month in which the erroneous payment was made. No further county action is necessary.

Example 2: The authorized award for October is $75. Due to an error, the recipient was paid $60 for October. County shall pay recipient additional $15 due for October in November or not later than December 31.

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5. When an award has been made and remains in effect, but payment of aid is suspended and subsequently eligibility to the suspended warrants is established. County action is not required to release a suspended warrant. (See Sec. A-1324, Suspension Procedure.)

6. When a warrant is returned to the county auditor's office because of a change in the address of the recipient, such warrant shall be transmitted to the recipient's new address as soon as possible in the current month or within the two subsequent months following that for which the warrant was issued. (See Sec. A-1336, Time of Payment.)

7. When aid is continuous and there is a change of payee, the warrant shall be delivered to the new payee as soon as possible in the current month or within the two subsequent months following that for which aid is granted.

8. When, in a transferred case, the second county fails to begin aid on the date due. To avoid interruption in receipt of aid, the second county shall pay retroactive aid. (See Sec. A-1400, Removal From County of Residence.)

9. When it is determined that the previous action of the county was erroneous, the county shall rescind and correct its previous action under certain circumstances and limitations as follows:

   a. Rescission of denial action on an application. The rescinding action must be taken within one year from the date of the action which is being rescinded. The beginning date of aid is then determined on the basis of the elapsed time between the date the application was signed and the date of the action granting the retroactive aid due. (See Sec. A-1302, Beginning Date of Aid--New Applications.)

   b. Rescission of an erroneous action discontinuing aid. The rescinding action must be taken within one year from the date of the action which is being rescinded and retroactive aid granted from the first of the month following the effective date of the erroneous discontinuance.

10. When the SDSW concurs in a county recommendation that retroactive aid be paid. (See Sec. 1576, Stipulated Appeals.)

11. When payment was made in conformity with the authorized award but the county subsequently determines that the recipient was eligible for a greater amount. The following principles shall govern when determining the amount of underpayment, if any, to be adjusted by payment of retroactive aid, and the date from which retroactive aid shall be paid.

    a. Responsibility rests upon the individual to report changes in his need and income.

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b. Retroactive aid to adjust for underpayment caused by reduced income and/or increased needs shall be paid beginning with the first of the month in which a change in need and/or income is reported to the county, or the first of the month in which increased need exists, whichever is later.

c. No retroactive aid shall be paid to adjust for underpayment in months prior to the month in which the change in need or income is reported to the county except when special circumstances prevented the individual from notifying the county of his changed need and/or income in the same month in which the change occurred. The following are among the special circumstances to be given consideration:

(1) Illness

(2) The need arose too late in the month to give the recipient reasonable time in which to report the change within that month

(3) The recipient could not have known until the last day of the month that income would not be received, or would be received in a lesser amount than previously reported

(4) Infrequent mail service from isolated areas, etc.

If the changed circumstances are reported as soon as the recipient could reasonably be expected to do so, but not later than the month following that in which the change occurred, retroactive aid shall be paid from the first of the month in which underpayment occurred, rather than from the first of the month the change in need or income was reported. The case records shall show the reason for granting retroactive aid for a month prior to the month in which changed circumstances were reported.

d. The total need for a particular month shall be determined on the basis of the total need in that month. Need shall not be increased by carrying forward any deficiency between total need in a prior month and the sum of the grant and the income in such prior month.

Any retroactive aid found to be due after applying the foregoing principles shall be paid irrespective of whether the additional amount due can be authorized prior to the end of the second month following the month for which retroactive aid is determined to be due. The county may grant the additional amount due without the necessity of appeal or SDSW concurrence provided the county can authorize the additional aid before the expiration of one year, including the month in which the recipient was underpaid. (See Sec. A-1358 for explanation of offsetting under and overpayments occurring in period prior to 2 months preceding month of adjustment and Sec. A-1316 and A-1312 for offsetting under and overpayments within the 2 months preceding month of adjustment.)

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b. Retroactive aid to adjust for underpayment caused by reduced income and/or increased needs shall be paid beginning with the first of the month in which a change in need and/or income is reported to the county, or the first of the month in which increased need exists, whichever is later.

c. No retroactive aid shall be paid to adjust for underpayment in months prior to the month in which the change in need or income is reported to the county except when special circumstances prevented the individual from notifying the county of this change in need and/or income in the same month in which the change occurred. The following are among the special circumstances to be given consideration:

(1) Illness

(2) The need arose too late in the month to give the recipient reasonable time in which to report the change within that month

(3) The recipient could not have known until the last day of the month that income would not be received, or would be received in a lesser amount than previously reported

(4) Infrequent mail service from isolated areas, etc.

If the changed circumstances are reported as soon as the recipient could reasonably be expected to do so, but not later than the month following that in which the change occurred, retroactive aid shall be paid from the first of the month in which underpayment occurred, rather than from the first of the month the change in need or income was reported. The case records shall show the reason for granting retroactive aid for a month prior to the month in which changed circumstances were reported.

c. The total need for a particular month shall be determined on the basis of the total need in that month. Need shall not be increased by carrying forward any deficiency between total need in a prior month and the sum of the grant and the income in such prior month.

Any retroactive aid found to be due after applying the foregoing principles shall be paid irrespective of whether the additional amount due can be authorized prior to the end of the second month following the month for which retroactive aid is determined to be due. The county may grant the additional amount due without the necessity of appeal or SDSS concurrence provided the county can substantiate the additional aid before the expiration of one year, inclusive of the month in which the recipient was underpaid. (See Sect. A-339 for explanation of offsetting under and overpayments occurring in period prior to 2 months preceding month of adjustment and Sect. A-312 for offsetting under and overpayments within the 2 months preceding month of adjustment.)

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(See Sec. A-1352 when Federal Participation is available.)

Counties may find it necessary in certain cases to give General Relief during a period when the applicant's or appellant's eligibility is being determined. If categorical aid is paid retroactively for any month(s), the G. R. paid in such months shall be taken into consideration in computing the retroactive grant. (W&IC 2020, 2140, 2220, AGO NS 4670, FSSA.)

A-1318 NOTIFICATION TO RECIPIENT OF CHANGE IN GRANT A-1318

When aid is increased, decreased, or discontinued, the recipient shall receive written notification of the county's action immediately. Such notification shall be in simple understandable terminology. The notification shall show the amount of the grant and the reason for change in the grant, or the reason for discontinuance. The recipient shall also be notified of his right of appeal to the SDSW for a fair hearing and the case record shall show that such notification was sent.

In addition to the above requirement, the recipient of OAS shall be notified of his right to a hearing before the board of supervisors. He shall also be notified of the source and amount of income which was taken into consideration in determining the amount of the grant. Where total need has been verified to be in excess of $75, the total need shall be shown on the notification. If in OAS a recipient requests it, he shall be provided with a statement of the particular items of need, the amount allowed for each item, and the total need. Such statement shall be provided him within 10 days after the request is made.

Notification of Action (Form Ag 239) includes the minimum requirements for notification to the recipient that his aid has been increased, decreased, or discontinued, and shall be used by the county unless a substitute form, which incorporates the information appearing on Form Ag 239 is used. (See Sec. A-276, Reporting County Action to Applicant and see Sec. A-1324, Suspension Procedure.) (W&IC 2016, 2140, 2181.1, 2182, 2220.5. FSSB)

A-1320 INSTRUCTIONS FOR COMPLETING THE CERTIFICATE OF ELIGIBILITY A-1320

The following instructions supplement those contained on Certificate of Verification of Eligibility (Form Ag 201):

Top of Form

NAME--The full name of the applicant shall be recorded. It should be identical with the full name of the applicant as shown on the Application (Form Ag 200).

STATE NUMBER--Enter the state number assigned to the case at the time application was taken. (See Sec. A-212, Assignment of State Numbers.)

FORMER STATE NUMBER--If the case is a transfer or a reapplication, enter the state number which was formerly assigned to the case.

COUNTY NUMBER--The county number should be recorded if a county numbering system is used.

GENERAL INSTRUCTIONS--Verified data should appear in the left-hand column under Conditions of Eligibility rather than information as given by the applicant or others which is not substantiated by proofs on file.

The data recorded in the right-hand column under How Verified must conform with the verified data shown in the left-hand column. Brief concise statements are desired. Complete sentences are not necessary provided the verified data are clearly set forth. When the original evidence is not on file in the county record and a summary of the proof obtained is recorded on the Summary of Information from Review of Documentary Evidence (Form Ag 203), references on the Form Ag 201 shall be to the original evidence and not to the Form Ag 203. If the application is submitted on a non-county basis the Form Ag 201 shall carry the notation in the upper right-hand corner "non-county" and the future date on which county participation will begin shall be entered directly below the box.

If the aid is granted conditionally because the fact of eligibility has not yet been established but more than 12 months have expired since aid was discontinued due to employment, record "conditional grant - presumptive eligibility" immediately preceding the certification statement in Item 12. (See Sec. A-284, Reapplication or Restoration Following Discontinuance ~~Because of~~ Due to Employment.)

CONDITIONS OF ELIGIBILITY	HOW VERIFIED
1. BIRTH DATE--(W&IC 2160 (A)) Insert the verified information and not that given by applicant. (See Chapter IV, Age, for acceptable evidence.)	Record: (1) Nature of evidence; (2) Date of document; (3) Age of applicant as stated thereon; and (4) where document may be reviewed. Example: Ins. Pol., 12/15/17, age 45; appl's poss.

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CONDITIONS OF ELIGIBILITY	HOW VERIFIED
2. CITIZENSHIP--(W&IC 2160 (B)) "Naturalization." Check if citizenship was acquired by the applicant's own naturalization. (See Chapter VI, Citizenship, for acceptable evidence.)	Record: (1) Nature of evidence; (2) Date of document; (3) Place naturalization certificate was granted; (4) Where record may be reviewed. Example: Nat., Cert., 1/2/1899 Alameda Co., Calif.; Poss of Applicant.
"Parent's Naturalization." Check if citizenship acquired through parent's naturalization	Record: (1) Nature of evidence; (2) Date citizenship of parent acquired; (3) Place of parent's naturalization; (4) Where evidence may be reviewed. Example: Father's Nat. Cert. 2/1/1870, Chicago, Ill., Letter clerk of court on file.
"Marriage of Foreign Born Woman to Citizen." Check if a foreign born woman acquired citizenship through marriage.	Record: (1) Nature of evidence of marriage; (2) Date of marriage; (3) Nature and date of evidence verifying citizenship or native birth of husband; (4) Place where evidence may be reviewed. Example: Mar. Cert., 2/6/1895, Jane Smith & John Jones; Nat. Cert., John Jones issued in LA, Calif., 2/10/1898; both in poss. of appl., OR: Mar. Cert. shows Jane Olson Native Sweden, and James Brown Native N.Y., Mar. 3/4/10; Poss. of appl.
Other A. Check if citizenship is proved by native birth.	(A) Refer to applicant's statement of native birth on the application. Example: Appl.'s sworn statement on application.
3. RESIDENCE--(W&IC 2160 (C&D)) (a) insert opposite "State" the verified number of years of residence in the state. (See Chapter V, Residence, for acceptable evidence.)	When residence is verified by means of a personal affidavit (Form Ag 221), Record: (1) Nature of evidence, (2) Name of affiant, and (3) location of of evidence. Example: Affidavit of John Doe in file. When residence is established by other than a personal affidavit, record: (1) Nature of evidence, (2) The location of evidence. Example: Receipts for rent 1010 E 50th St., LA, Calif., in appl's poss. If the applicant has required state residence but the application is to be submitted on a noncounty basis, see 3(b) below.

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CONDITIONS OF ELIGIBILITY	HOW VERIFIED
(b) Insert opposite "county" the verified number of years in the county.	See instructions for 3(a) above.
When the applicant has county residence of less than one year, enter the date county residence was established rather than the period of verified county residence.	When the applicant has county residence of less than one year, the record must contain the applicant's affidavit, Form AB 204 (see Sec. A-550, Non-county Residence). Copies of all affidavits or other evidence shall be retained in county file.
4. PUBLIC INSTITUTIONS--(W&IC 2160(E)) (a) enter "Yes" or "No" as verified. (See Chapter IX, Institutions)	If in a public institution, record: (1) the name of the institution, (2) the nature of the evidence establishing the applicant's presence in the institution, (3) the date, and (4) location thereof. Example: Seen at (Name of institution) by worker on (Date); report in case record. If living at home, record the verification that the applicant is not living in a public institution. Example: Seen at home by worker on (Date); report in case record.
(b) If "Yes" is entered for 4(a), record the approximate date of release. If "No" is entered for 4(a), leave blank	If "Yes" is entered for 4(a) record the source through which theprobable date of release was secured. Example: Statement hospital sup. (State date recorded in record.)
PRIVATE INSTITUTIONS--(W&IC 2160.5) When the applicant is an inmate of a private non-profit benevolent or fraternal institution, amend Item 4(a) by blocking out the word "Public" and substituting "Private." Enter "Yes." This item does not apply to private institutions operated for profit. (See Chapter IX, Institutions)	If living in a private non-profit institution, enter: (1) the name of the institution, (2) nature of evidence, (3) date of evidence, and (4) the location thereof. Example: Our Lady's Home, Inst. records and interview appl. and supt. on (give date) indicate no contract; copy demand for B/R at $30 mo., county file. Home licensed.

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CONDITIONS OF ELIGIBILITY	HOW VERIFIED
5. SUPPORT FROM RELATIVES--(W&IC 2160 (F)) insert "No" if relatives are not meeting the applicant's need; otherwise, insert "Yes." If "Yes" is entered, ineligibility is indicated. (See Chapter X, Relatives.)	If Applicant is single or there are no responsible relatives, indicate none. Example: Single--Form Ag 200 on file. If the spouse is receiving or is an applicant for aid, a reference to this fact is recorded. Example: Spouse, applicant for OAS--Form Ag 200 on file. Forms Ag 225 (or 226) on file, 2 sons; statement requested from daughter. If a relative has failed to return Ag 225 (or 226), refer to the applicant's affidavit that he is not receiving support from such relative.
6. ASSIGNMENT OF PROPERTY--(W&IC 2160 (G)) If no transfer of either real or personal property was made for the purpose of qualifying for aid, enter "No." If the facts determine that a transfer was made to qualify for aid, ineligibility is indicated. (See Chapter VIII, Transfer of Property.)	Record: (1) Method of verification and (2) where the evidence may be reviewed. Example: Applicant's sworn statement on Form Ag 200 in file; or imminence of foreclosure verified; report in case record.
7. PERSONAL PROPERTY--(W&IC 2163) Deduct from the total market value of personal property all encumbrances of record against the various items of personal property and enter the net market value of personal property in the first space, and the amount of cash which is included in that total in the second space. If investigation indicates there is no personal property, state "None." This item refers to the applicant only and includes the applicant's share of community personal property, and the amount of any separate personal property which he may possess. The spouse's share of community personal property and any separate personal property owned by him is not included as it is not a consideration in determining the applicant's eligibility from point of view of personal property. (See Chapter VII, Property)	Record: (1) The method of verification, (2) date of verification, (3) location of evidence. Example: Letters (give dates) from Dun and Bradstreet, and from Bank of Am. (Give dates) on file. If the applicant declares he has no personal property, the investigation discloses none, record: Declared none; signed Form Ag 228 on file.

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8. REAL PROPERTY OF APPLICANT--(W&IC 2164) This item refers to real property owned by a single or widowed applicant or one who has a final decree of divorce. Deduct from the total county assessed value of real property the total of all encumbrances of record and enter the total net assessed value as verified. If the applicant is married, so state and enter "Does not apply." (See Chapter VII, Property.)

Record: (1) Method of verification (2) date of verification, and (3) location of evidence. Reference to correspondence is added when ownership of property outside the county has been verified.

Example: Tax receipt (date) and copy of deed of trust seen; report in case record. Letter Alameda Co. Assessor in file.

9. REAL PROPERTY OF APPLICANT AND SPOUSE--(W&IC 2165) This item refers to property owned by either and/or both of a couple. (For exception see Sec. A-703, Real Property Eligibility Requirements.) Deduct from the total county assessed value of all such real property the total of all encumbrances of record and enter the total net assessed value as verified. If the applicant is single, widowed or divorced, so state and enter "Does not apply." (See Chapter VII, Property.)

Record: (1) Method of verification, (2) date of verification, and (3) location of the evidence. Reference to correspondence is added when ownership of property outside the county has been verified.

Example: Assessor's and recorder's records seen; report on file. Letter from Alameda County Assessor in file.

10. INCOME--(W&IC 2020) The sources and amounts of net income shall be listed, and the total shown. (Income which is determined to be casual is not shown.)(See Chapter XI)

Record: (1) The nature of the verifications, (2) The date thereof, and (3) Location of evidence.

Example: Wage report (give date) in co. file; son John's Ag 225 (give date) in co. file.

11. NEED--(W&IC 2001) The answer is "Yes" if aid granted. (See Chapter XII.)

Verification of need is shown in the county record and reported here by reference to the county investigation on file.

Example: See Form Temp 158 Ag and narrative recording.

12. NEED IN EXCESS OF $75--(W&IC 2020) If applicant's need is in excess of $75 a month, record amount of total need in the "Yes" space. (See Chapter XII)

13. RECOMMENDATION OF COUNTY INVESTIGATOR (W&IC 2181)--The amount of aid recommended shall be in accordance with the OAS law and shall be based on net income, computed according to rulings set forth by the SDSW.

(Section Continued on Next Page)

8. REAL PROPERTY OF AFFIDANT--(MELO 2040) This item refers to real property owned by a single or widowed applicant or one who has a final decree of divorce. Deduct from the total county assessed value of real property the total of all encumbrances of record and enter the total net assessed value as verified. If the applicant is married, so state and enter "Does not apply." (See Chapter VII, Property.)

9. REAL PROPERTY OF APPLICANT AND SPOUSE--(MELO 2165) This item refers to property owned by either and/or both of a couple. (For exception see Sec. A-720, Real Property Eligibility Requirements.) Deduct from the total county assessed value of all such real property the total of all encumbrances of record and enter the total net assessed value as verified. If the applicant is single, widowed or divorced, so state and enter "Does not apply." (See Chapter VII, Property.)

10. INCOME--(MELO 2020) The sources and amounts of net income shall be listed, and the total shown. (Income which is determined to be casual is not shown.)(See Chapter XI)

11. RENT--(MELO 2001) The answer is "Yes" if aid granted. (See Chapter XII.)

12. NEED IN EXCESS OF $75--(MELO 2020) If applicant's need is in excess of $75 a month, record amount of total need in the "Yes" space. (See Chapter XII)

13. RECOMMENDATION OF COUNTY INVESTIGATOR (MELO 2181)--The amount of aid recommended shall be in accordance with the OAS Law and shall be based on net income, computed according to rulings set forth by the SDSW.

(Section Continued on Next Page)

Record: (1) Method of verification, (2) date of verification, and (3) location of evidence. Reference to correspondence is added when ownership of property outside the county has been verified.

Example: Tax receipt (date) and copy of deed of trust seen; report in case record. Letter Alameda Co. Assessor in file.

Record: (1) Method of verification, (2) date of verification, and (3) location of the evidence. Reference to correspondence is added when ownership of property outside the county has been verified.

Example: Assessor's and recorder's records seen; report in file. Letter from Alameda County Assessor in file.

Record: (1) The nature of the verifications, (2) The date thereof, and (3) location of evidence.

Example: Wage report (give date) in co. file; son John's SS #225 (give date) in co. file.

Verification of need is shown in the county record and reported here by reference to the county investigation on file.

Example: See Form Temp 150 Ag and narrative recording.

14. SIGNATURE OF COUNTY INVESTIGATOR--The certificate should be signed and dated by the county public assistance worker who makes the recommendation that aid be granted. The signature may be either the original or a facsimile.

15. SIGNATURE OF CASE SUPERVISOR OR DIRECTOR--The certificate should be signed and dated by the public assistance supervisor or county welfare director. The signature may be either the original or a facsimile.

16. ACTION BY THE BOARD OF SUPERVISORS--Name of the county, date of the action, amount of aid granted, and the beginning date of aid shall be shown.

17. SIGNATURE OF COUNTY CLERK OR DEPUTY--The certificate shall be signed by the county clerk or deputy, or chairman of the board of supervisors. The signature may be either the original signature or a facsimile.

Non-federal Status

If for any reason no federal participation is available in the payment authorized for specific months, the specific period for which payment is to be claimed "non-federal" shall be noted on Form Ag 201. For instance, there is normally no federal participation in retroactive initial payments (payments for months prior to that month in which the board of supervisors grants an application). "Non-federal for months prior to month of B/S action," or some other appropriate statement, must be recorded. It is suggested that the available space immediately under Item 16 be used to record the statement regarding non-federal status.

Reverse of Form

No entries need be made in the section headed "Reserve this space for State."

Subsequent Changes		
Date	Amount	Reason

RESERVE THIS SPACE FOR STATE

STATE NO. ..... AG. .....

COUNTY ..... NO. .....

NEW ..... REAPPLICATION ..... TRANSFER .....

APPLICATION

OF .....
FULL NAME

....
Beginning Date Amount

Years of Verified Residence .....

Non-County through .....

Non-Federal from ..... through .....

Non-County, Non-Federal from ..... through .....

Guardian of Estate ..... DPA 5 on file .....

Approved for Reimbursement .....
Reviewer Date

STATE OF CALIFORNIA

DEPARTMENT OF SOCIAL WELFARE

CERTIFICATE OF VERIFICATION OF ELIGIBILITY

IF NON-COUNTY CASE
Check here ☐

Send one copy to State Department of Social Welfare, Sacramento, accompanied by Form Ag 200. Also send Form Ag 251 if the case number ends in 22-44-66 or 88.

John Doe
APPLICANT'S NAME (Give name as on Form Ag 200)

Sac. 6935 Ag
STATE NUMBER

FORMER STATE NUMBER, IF A TRANSFER OR REAPPLICATION

Ag 7431
COUNTY NUMBER

CONDITIONS OF ELIGIBILITY	How verified (State nature of evidence and place where it may be reviewed)
1. Birthdate February (Month) 10 (Day) 1885 (Year)	1. Insurance pol. dated 2/10/03 shows birthdate App's possession
2. Citizenship: (Check one) ☒ Naturalization ☐ Parent's Naturalization ☐ Marriage to Citizen ☐ Other	2. Nat. Cert. 4/5/08 Chicago, Ill, in app's possession
3. Residence: *a.* State 25 yrs	3. *a.* aff. of Henry Jones in file
b. County 15 yrs	*b.* " " " " " "
4. *a.* Inmate of a public institution, Yes or No No	4. *a.* Home visit Aug 15, 1951 report in record
b. Inmate of a public institution but will not be after (Month) (Day) (Year)	*b.*
5. Receiving adequate support from responsible relatives No	5. Forms Ag 225 signed by each res. relative in file.
6. Has made voluntary assignment of property to qualify. No	6. Applicant's affidavit on Ag 200;
7. Has personal property value of $364 (Amount), including $364 cash.	7. Bank book seen 9/1/51; report in case record.
8. Has real property assessed value of $1000.	8. Current assessor's records searched. Report in file.
9. Applicant and spouse have real property assessed value of $.	9. Does not apply
10. Applicant has income from: SOURCE / AMOUNT	10.
value of occupancy 5.00	Current assessor's records searched
	Report on file
son James 10.00	Form Ag 225 on file
11. Applicant is in need Yes	11. Form Ag 202 on file
12. Need is in excess of maximum grant: Yes ___ Amount ___ / No x XXXXX	12. Form Ag 202 on file

I CERTIFY, *That the above facts have been verified by investigation, that supporting evidence is on file in the county office, is open to inspection by duly authorized State and Federal representatives and that to the best of my knowledge and belief the above-named is entitled to Old Age Security under the existing law.*

13. Recommendation of county investigator that aid be granted in the amount of $ 75.00.
If beginning date of aid is later than provided under Section 2183 or 2183.9 of the W. and I. Code, specify date from which eligibility is verified . Reason for ineligibility prior to this date .

14. Mary Jones (SIGNATURE OF COUNTY INVESTIGATOR) Sept 12, 1951 (Date)

15. Paul White (SIGNATURE OF COUNTY CASE SUPERVISOR OR DIRECTOR) Sept 14, 1951 (Date)

16. Passed by the Board of Supervisors of Sacramento County this 2 day of October 1951 ~~xxx~~, in the amount of $ 75 aid per month, aid to begin on the 1 day of October, 19 51.

17. James Brown (SIGNATURE OF COUNTY CLERK OR DEPUTY)

RESERVE THIS SPACE FOR STATE

Reviewer ____ Date ____ Audit Clerk ____ Date ____

201 (revised)—*March, 1950*

A. GENERAL INSTRUCTIONS

Whenever the board of supervisors takes action on an OAS case (excepting new applications and reapplications) the case record shall contain a Notice of Change, Form Ag 232, showing the action taken, the date on which board of supervisors' action occurred and the signature, original or facsimile, of the county clerk or deputy. (The only exception to this requirement regarding signatures relates to copies of the Notices of Change used by the county in its fiscal claim reconciliation procedure. Such copies need not show the signature of the county clerk or deputy or the date of board approval if the county has a Batch Voucher, a Register of Board Authorizations, or other comparable transmittal to the board of supervisors which shows the date of approval.) A facsimile signature shall be affixed by or under the special authority of the county officer whose signature is thus affixed.

Copies of the following Notices of Change shall be submitted to the SDSW:

1. OAS Sample Cases (state case number ends in 22, 44, 66 or 88) for increases, decreases, discontinuances (including death) and restorations.

2. All other OAS cases--report all discontinuances for reasons other than death.

The Notice of Change, Form Ag 232, now makes no provision for designating "non-county" status. Pending revision of the form "non-county" status shall be designated in the space above the state number in the upper right hand corner when the recipient has not yet acquired one year of residence in the county (see Sec. A-550, Non-county Residence). Exception: This designation is not necessary if the county has a central control file on non-county cases which renders such designation unnecessary.

Form Ag 232, except as it provides for identifying information, is divided into sections, which are designated as Sections I, II, III, IV and V.

Section I is used to report information regarding:

1. Type of change affecting the individual recipient. This includes decrease, increase, restoration or discontinuance of the individual's grant.

2. Reason for Change--See Item C, below, Reporting Reason for Change on Notice of Change. The reason for discontinuance of aid to the individual is not recorded here but shall be shown in Section II of Form Ag 232. Instructions for completion of Section II of the Notice of Change are given in Item D, below.

Section II is used to report the reason for discontinuance of aid to the individual.

Section III is used to report material change in economic circumstances when aid is discontinued.

Section IV is used to request payment to the county for hospital or infirmary care rendered to former recipients, and to request that such payment to the county be discontinued.

Section V is used to report action of the board of supervisors.

(Section Continued on Next Page)

B. INSTRUCTIONS FOR RECORDING ON NOTICE OF CHANGE, SECTION I

DECREASE, INCREASE, OR RESTORATION:

Column 1. The type of action is indicated by completing the information called for in the vertical columnar headings (2, 3, 4, etc.) in the space provided opposite "Decrease", "Increase", "Restoration", etc.

Pending revision of the present Form Ag 232 the amount of the existing authorization for continued payments (old rate) shall be recorded in Section I, Column (1) unless the county has printed its own Form Ag 232 and has already made provision for recording the "old rate" elsewhere on the form.

The effective date of an increase recorded in Section I may be a month(s) for which the recipient has already received a payment. If the existing authorization, i.e., the "old rate" as entered in Column (1) was not in effect during all months for which additional payment is being granted it is necessary to record the amount already paid (old rate) for each past month for which a retroactive or supplemental payment is to be paid.

The space provided under "Reason for Change" should be used to record this information for past months.

Column 2. Enter the date from which the change is effective, e.g., 8/1/5~~4~~. When retroactive aid is paid as provided in Sec. A-1316, Retroactive Aid Payments, the month for which the retroactive payment was made should be entered in Column 2.

Column 3. Enter the monthly rate of aid granted from the effective date shown in Column 2. (When aid is restored effective from a day subsequent to the first day of the month, the monthly rate rather than the prorated amount shall be entered.)

When retroactive aid is paid as provided in Sec. A-1316, Retroactive Aid Payments, enter the monthly rate of aid granted from the effective date shown in Column 2.

Column 4. Enter the total of all income received other than the OAS grant. (When need in excess of $75 has not been established, the sum of Column 3 and Column 4 shall total $75. The total may not exceed or be less than this amount.)

Column 5. Enter sources from which income other than OAS is received and amount received from each; e.g., son, John, contributes $5.00 a month. The total of amounts of income from individual sources, as shown in Column 5 should agree with the figure entered in Column 4.

(Section Continued on Next Page)

5. INSTRUCTIONS FOR REPORTING ON NOTICE OF CHANGE.

SECTION I

RECEIPT, INTERPRETATION:

Column 1. The type of action is indicated by completing the information called for in the vertical columns headings (2, 3, 4, etc.) in the space provided opposite "Decrease", "Increase", "Restoration", etc.

Pending revision of the present Form AB 232 the amount of the existing authorization for continued payments (old rate) shall be recorded in Section II, Column (1) unless the county has printed its own Form AB 232 and has already made provision for recording the "old rate" elsewhere on the form.

The effective date of an increase reported in Section I may be a month(s) for which the recipient has already received a payment. If this existing authorization, i.e., the "old rate" as entered in Column (1) was not in effect during all months for which additional payments being granted it is necessary to record the amount already paid (old rate) for each past month for which a retroactive or supplemental payment is to be paid.

The space provided under "Reason for Change" should be used to record this information for past months.

Column 2. Enter the date from which the change is effective, e.g., 6/1/xx. When retroactive aid is paid as provided in Sec. A-1316, Retroactive Aid Payments, the month for which the retroactive payment was made should be entered in Column 2.

Column 3. Enter the monthly rate of aid granted from the effective date shown in Column 2. (When aid is restored effective from a day subsequent to the first day of the month, the monthly rate rather than the prorated amount shall be entered.)

When retroactive aid is paid as provided in Sec. A-1316, Retroactive Aid Payments, enter the monthly rate of aid granted from the effective date shown in Column 2.

Column 4. Enter the total of all income received other than OAS grant. (When need in excess of $75 has not been established, the sum of Column 3 and Column 4 shall total $75. The total may not exceed or be less than this amount.)

Column 5. Enter source from which income other than OAS is received and amount received from each; e.g., son, John, contributes $5.00 a month. The total of amounts of income from individual sources, as shown in Column 5 should agree with the figure entered in Column 4.

(Next on Continued on Next Page)

Column 6. No entry is made unless the total verified need exceeds $75 a month in which case the total need per month is reported here; e.g., if the total need of the recipient is established as being $80 a month this amount is entered in Column 6.

Column 7. When total need is established to be in excess of $75 enter "Temp 158 Ag on file."

DISCONTINUANCE:

Enter in Column 2 the effective date of the discontinuance. Record the amount of the grant which is being discontinued in Column 1. Section II shall be completed for each discontinuance of aid to the individual.

REASON FOR CHANGE:

See Item C, below, Reporting Reason for Change on Notice of Change.

One Form Ag 232 may be used to report two actions of the board of supervisors on the same case provided both actions occur on the same day.

Example: Aid is increased on Oct. 15, effective Nov.1, due to verified need in excess of $75. On the same date, the board of supervisors decreases aid effective Dec. 1, as the special need exists for only one month.

When one Form Ag 232 is used to report two actions, the information reported in Columns 5 and 7 should refer to the first action. Report the necessary information to explain the second action under "Reason for Change."

If aid is restored following release from the county hospital or infirmary, restoration action of the board of supervisors is reported opposite "Restoration."

Discontinuance of payment to the county for hospital or infirmary care and the restoration of aid may be reported on the same Form Ag 232 unless there is a delay in the restoration of aid to the former recipient, in which case separate forms are necessary. (W&IC 2140)

C. REPORTING REASON FOR CHANGE ON NOTICE OF CHANGE.

When the reason for change (except discontinuance of aid to the individual) is clearly indicated by the entries in the vertical columns opposite the particular type of change which is effective it need not be repeated under this heading. Report any additional information in this space. When a recipient's aid is discontinued the reason shall be reported in Section II of Form Ag 232.

(Section Continued on Next Page)

Change of a recipient's name, due to marriage, court order, or for other reasons, shall be reported under "Reason for Change."

When guardianship is changed or vacated this shall be reported under "Reason for Change."

The month or months for which suspended payment was cancelled shall be reported under "Reason for Change." (See Sec. A-1326, Cancellation of Warrants for Months During which Recipient was Ineligible Under Suspension Procedure.)

In reporting restoration following release from a public institution, the exact date of release shall be reported here. In reporting restorations for other reasons, information should be entered here as to the exact date and the reason the recipient became eligible subsequent to discontinuance of aid.

When reporting restoration of aid following a discontinuance because of employment, report the date the recipient's request for restoration of aid was signed. If all of the facts have been determined when investigation is completed by action of the board of supervisors restoring aid, report "eligibility established." If aid is conditionally restored because the fact of eligibility has not been established at the time the board of supervisors' action was taken, record "conditional restoration - presumptive eligibility." See Sec. A-284, Reapplication or Restoration Following Discontinuance Due to Employment, for further instructions regarding reporting on conditional restorations.

If for any reason no federal participation is available in the payment authorized for specific months, the specific period for which payment is to be claimed "non-federal" shall be noted under "Reason for Change." (See Sec. A-1352, When Federal Participation is Available.)

(W&IC 2140)

D. DISCONTINUANCE OF AID TO THE INDIVIDUAL RECIPIENT, SECTION II, OF NOTICE OF CHANGE

Item A. Date of ineligibility discovered--Enter the date on which the facts causing discontinuance of aid to the recipient came to the attention of the county.

Item B. Date of last previous county investigation--Enter the date on which the county investigation preceding the one resulting in discontinuance of aid to the recipient was completed.

Item C. Reason for discontinuance of aid to recipient--Check all applicable reasons for discontinuance which appear on the list. For example, if earnings of spouse (Item C3) and contributions from adult children (Item C5) result in the discontinuance of a case, check both Item C3 and Item C5.

(Section Continued on Next Page)

Item C1. Death--Check if aid was discontinued because of the death of the recipient. Write in the date of death. If death occurred in a public medical institution, check Item C-13 (or C-15, if not a county hospital) and enter the date of admission. If federal participation is not available in payments made to the recipient after admission to the public medical institution state under "Remarks" the specific months for which federal participation is not available and give the reason.

Item C2. Earnings of recipient--Check if aid was discontinued because of earnings of the recipient (including earnings from self-employment).

Item C3. Earnings of spouse--Check if aid was discontinued because of the receipt of support from earnings (including earnings from self-employment) of recipient's husband or wife whether or not the earnings were considered community property.

Item C4. Other resources of spouse--Check if aid was discontinued because of support from separate income of the spouse; i.e., rental of spouse's separate property, or separate income from any source other than earnings of the spouse.

Item C5. Contributions from adult children-- Check if aid was discontinued because of the receipt of support from adult children.

Item C6. Contributions from others--Check if aid was discontinued because of contributions from persons other than the spouse or adult children.

Do not check Item C6 if the income was derived from roomers and/or boarders in the household; discontinuance under these conditions should be entered under Item C2 if the recipient is responsible for management of the household, or under Item C3 if the spouse is responsible for management of the household.

Item C7. Income from property--Check if aid was discontinued because of receipt of income from real or personal property. Write a brief description of the nature of this income; e.g., rent from dwelling, interest on loan, etc. If necessary, additional space may be used under "Remarks."

Item C8. Income from other sources--Check if aid was discontinued because of the receipt of income from some source other than those listed under Items C2-C7. Write a brief description of such income; e.g., Unemployment Insurance, Old Age and Survivors Insurance. If necessary, additional space may be used under "Remarks."

Item C9. Subsequent information disproves eligibility originally established--Check if aid was discontinued because subsequent information indicated that the recipient was not eligible for the original grant. Indicate under "Remarks" the specific grounds for ineligibility; e.g., age, property, residence, etc. Explain briefly how and when ineligibility was discovered.

(Section Continued on Next Page)

Item C10. Change in law or policy--Check if a change in legal or administrative policy automatically makes the case ineligible at the time of change although previously it was eligible. Specify briefly the nature of the change.

Item C11. Refusal after acceptance to comply with established regulations--Check if aid was discontinued because the recipient refused to comply with established regulations; i.e., refusal to supply information, etc.

Item C12. Excess property--Check if aid was discontinued because the value of the recipient's real or personal property, or both, exceeds that permitted under the OAS law, but the need for assistance is not met by the income, if any. If the income meets the recipient's needs, check Item C7.

Item C13. In county hospital (medical care) more than two months. Check Item C13 (or Item C15 if not a county hospital) and enter date of admission. If federal participation is not available for the payments made to the recipient during the two calendar months of hospitalization state under "Remarks" the specific months for which federal participation is not available and give the reason.

Example: Admitted to county hospital on September 15, aid discontinued November 30. Under "Remarks" state "No federal participation for October and November--diagnosed as TB."

Item C14. Admitted to county infirmary (custodial care)--Check if aid was discontinued because recipient entered a county infirmary for custodial care; i.e., shelter and maintenance only. Enter the date of admission.

Item C15. Admitted to other public institution--Check if aid was discontinued because the recipient entered a public institution other than a county hospital or county infirmary. Enter the date of admission and the name of the institution.

Item C16. Accepted for ANB or APSB--Check if aid was discontinued because the recipient was granted ANB or APSB.

Item C17. Loss of state residence--Check if aid was discontinued because the recipient has moved out of the state and has established residence elsewhere.

Item C18. Transferred to ----------County--Check if aid was discontinued because the recipient has moved to another county and the second county has become responsible for the payment of aid, and insert name of second county.

(Section Continued on Next Page)

Item C19. Other reason--Check if aid was discontinued for some reason other than those listed under Items C1 through C18. Describe the reasons or circumstances for this discontinuance under "Remarks." Check this item if recipient was admitted to a private institution (an institution which does not derive support from public funds) only if the recipient would have continued to be eligible for aid had he not entered the institution. (W&IC 2140)

E. MATERIAL CHANGES IN ECONOMIC CIRCUMSTANCES OF DISCONTINUED CASES (EXCLUDE DEATH), SECTION III OF NOTICE OF CHANGE

Section III is to be completed for all discontinued cases except those discontinued because of death.

When two or more items in Section III apply in a given case, check the item appearing first on the list.

If there has been no material change in the recipient's economic circumstances, check Item 7, "No known material change in economic circumstances."

This section is designed to provide information on the number of cases in which there was an increase in the income of the individual that would wholly or partly offset the effect of discontinuing assistance.

The changes in economic circumstances reported in Section III may or may not be the cause of the discontinuance reported in Section II. For example, a recipient's grant might be discontinued because increased earnings have made him ineligible. In this case, Item C2 would be checked in Section II, and Item 1 would be checked in Section III. On the other hand, if a recipient became ineligible because of a son's contributions and simultaneously had an increase in earnings not sufficient in itself to make him ineligible, Item C5 would be checked in Section II, and Item 1 would be checked in Section III since it appears first in the list.

Unless some preceding item is applicable, cases in which need for assistance has been decreased by the receipt of Old Age and Survivors Insurance, Workmen's Compensation, and Unemployment Compensation should be reported in Item 4 or Item 5 of this section.

Item 1. Employment or increased earnings of recipient--Check this item for cases in which the recipient's need for assistance has decreased because of his employment or an increase in his earnings (including earnings from self-employment). The increase in earnings may be the result of higher wages or fuller employment.

(Section Continued on Next Page)

Item 2. Employment or increased earnings of other person in home--Check this item for cases in which recipient's need for assistance has decreased because of the employment or increased earnings of any other person in the home (including earnings from self-employment). The increase may be the result of higher wages or fuller employment.

If an increased contribution is made to the recipient by a person in the home without new employment or increased earnings or increase in other resources, the case should be reported in Item 6.

Item 3. Allowance, pension, or other payment connected with military service, received by person in home (including the recipient himself)--Check this item for cases in which the recipient's need for assistance has decreased through the receipt, by any person in the home, of an allowance, pension, or other payment connected with military service, which is given on the basis of service or disability. Include here allowances, death gratuities, military insurance, and disability benefits, not only to persons in the armed forces and their dependents, but also to civilian employees and their dependents, as provided for in veterans' legislation; pensions to widows and orphans of veterans of World War I; and payments under the Servicemen's Readjustment Act of 1944 (commonly known as the GI Bill).

Item 4. Increased support from person outside home--Check this item for cases in which the recipient's need for assistance has decreased because of increased support from a person outside the home. This item includes support from relatives who have not previously contrivuted, and not only support from relatives whose ability to contribute has increased, but also those who without any change in circumstances have assumed more responsibility for support.

Item 5. Increase in other resources of person in home (including the recipient himself)--Check this item for cases in which the recipient's need for assistance has decreased by reason of resources other than those specified in items above. Life insurance benefits (other than military insurance), the inheritance of income-producing property or money, the receipt of Old Age and Survivors Insurance, and increased income from investments of real or personal property are examples of resources to be included here.

Do not include resources if the resources were available when the payment was approved, and the payment would not have been made had the resources been known to exist; such cases should be reported in Item 7, "No known material change in economic circumstances."

Do not include real or personal property the value of which has increased beyond the legal maximum, but need is not materially reduced by the income; such cases should be reported in Item 7, "No known material change in economic circumstances."

(Section Continued on Next Page)

Item 2. Employment or increased earnings of other person in home--Check this item for cases in which recipient's need for assistance has decreased because of the employment or increased earnings of any other person in the home (including earnings from self-employment). The increase may be the result of higher wages or fuller employment.

If an increased contribution is made to the recipient by a person in the home without new employment or increased earnings or increase in other resources, the case should be reported in Item 6.

Item 3. Allowance, pension, or other payment connected with military service, received by person in home (including the recipient himself)--Check this item for cases in which the recipient's need for assistance has decreased through the receipt, by any person in the home, of an allowance, pension, or other payment connected with military service, which is given on the basis of service or disability. Include here allowances, death gratuities, military insurance, and disability benefits, not only to persons in the armed forces and their dependents, but also to civilian employees and their dependents, as provided for in veterans' legislation; pensions to widows and orphans of veterans of World War I; and payments under the Servicemen's Readjustment Act of 1944 (commonly known as the GI Bill).

Item 4. Increased support from person outside home--Check this item for cases in which the recipient's need for assistance has decreased because of increased support from a person outside the home. This item includes support from relatives who have not previously contributed, and not only support from relatives whose ability to contribute has increased, but also those who without any change in circumstances have assumed more responsibility for support.

Item 5. Increase in other resources of person in home (including the recipient himself)--Check this item for cases in which the recipient's need for assistance has decreased by reason of resources other than those specified in items above. Life insurance benefits (other than military insurance), the inheritance of income-producing property or money, the receipt of Old Age and Survivors Insurance, and increased income from investments of real or personal property are examples of resources to be included here.

Do not include resources if the resources were available when the payment was approved, and the payment would not have been made had the resources been known to exist; such cases should be reported in Item 7, "No known material change in economic circumstances."

Do not include real or personal property the value of which has increased beyond the legal maximum, but need is not materially reduced by the income; such cases should be reported in Item 7, "No known material change in economic circumstances."

(Section Continued on Next Page)

If an increased contribution is made to the recipient by a person in the home without new employment or increased earnings or increase in other resources, the case should be reported in Item 6.

Item 6. Other material change in economic circumstances— Check this item for cases in which the recipient's need for assistance has decreased for reasons other than those specified in items above; i.e., cases in which need has decreased with no increase in resources, and cases in which need has been decreased because of marriage of the recipient.

If an increased contribution is made to the recipient by a person in the home without new employment or increased earnings or increase in other resources, the case should be reported under this item.

Item 7. No known material change in economic circumstances-- Check this item for cases in which there is no known change in economic circumstances of cases discontinued; i.e., any non-income reason. (W&IC 2140 - FSS Admin.)

STATE OF CALIFORNIA — DEPARTMENT OF SOCIAL WELFARE

NOTICE OF CHANGE

Old Age Security

Instructions in box superceded by Sec. A-1322

Submit two copies to State Department of Social Welfare for discontinuances (including discontinuance of payment to county for hospital or infirmary care), restorations, and payment to county for hospital or infirmary care; one copy for other changes. SUBMIT ONE COPY OF ALL CHANGES TO COUNTY AUDITOR.

County ..... County No. ..... State No. .....

NAME .....

DATE .....

SEC. I. Aid to the Individual Recipient

Change (1)	Effective Date of Change (2)	OAS Grant From Date of Change (3)	INCOME OTHER THAN OAS GRANT: Total Income Other Than OAS Grant (4)	INCOME OTHER THAN OAS GRANT: Sources and Amounts of Income (5)	NEED IN EXCESS OF MAXIMUM GRANT: Total Need (6)	NEED IN EXCESS OF MAXIMUM GRANT: Nature and Amount of Each Excess Need and How Verified (7)
DECREASE						
INCREASE						
RESTORATION						
DISCONTINUANCE		Sec. II and Sec. III must be completed for Discontinuances				

REASON FOR CHANGE—*Except Discontinuance:* (Give date of release from institution if restored for this reason. If restored following discontinuance because of employment, state date of applicant's signed request for restoration.)

SEC. II. Discontinuance of Aid to the Individual Recipient

A. **Date ineligibility discovered** .....

B. **Date of last previous county investigation** .....

C. **Reason for discontinuance of aid to recipient**

(Check all applicable reasons)

☐ 1. Death. Date .....

Income to recipient from:

☐ 2. Earnings of recipient
☐ 3. Earnings of spouse
☐ 4. Other resources of spouse
☐ 5. Contribution from adult children
☐ 6. Contributions from others
☐ 7. Income from property (*Specify*) .....
☐ 8. Income from other sources (*Specify*) .....

Non-income reasons:

☐ 9. Subsequent information disproves eligibility originally established (*Explain below*)
☐ 10. Change in law or policy (*Specify*) .....
☐ 11. Refusal after acceptance to comply with established regulations (*Specify*) .....
☐ 12. Excess property
☐ 13. In county hospital (*medical care*) more than two months.
Date of admission .....
Determination of probable hospitalization period:
☐ 2 months or less from date of admission
☐ More than 2 months from date of admission
☐ 14. Admitted to county infirmary (*Custodial care*)
Date .....
☐ 15. Admitted to other public institution.
Date .....
.....
Name of Institution
☐ 16. Accepted for ANB or APSB
☐ 17. Loss of State residence
☐ 18. Transferred to ..... county
☐ 19. Other reason (*Explain fully under "Remarks"*)

REMARKS:

If discontinuance is due to excess income or property (Items C.2–C.8 and C.12), state total amount of income, type and value of property, and date excess first received or acquired. Should a repayment be due, state possibility of or plans for its collection.

☐ Check here if this information on excess income or property is not now available but will be submitted later.

SEC. III. Material Change in Economic Circumstances of Cases Discontinued *(Exclude Death)*

(Check applicable item appearing first on list)

☐ 1. Employment or increased earnings of recipient
☐ 2. Employment or increased earnings of other person in home
☐ 3. Allowance, pension, or other payment connected with military service, received by person in home
☐ 4. Increased support from person outside home
☐ 5. Increase in other resources of person in home
☐ 6. Other material change in economic circumstances *(Including decreased need without change in resources)*
☐ 7. No known material change in economic circumstances

SEC. IV. Payment to County for Institutional Care Under Welfare and Institutions Code Section 2160.7

TYPE OF CARE	BEGIN PAYMENT	DISCONTINUE PAYMENT
Check one: ☐ County hospital ☐ County infirmary	Effective date ..... Amount of recipient's grant when admitted $	Effective date ..... Reason for discontinuance (*check one*): ☐ Discharge ☐ Death } Date .....

SEC. V.

Approved by the Board of Supervisors of the County of ..... this ..... day of ..... 19 .....

RESERVE FOR STATE

[SIGNED] .....

County Clerk or Deputy

..... Date .....

..... Date .....

(revised)—*March, 1950*

A-1324 SUSPENSION PROCEDURE

The board of supervisors may for cause, and upon instructions to do do by the SDSW, shall cancel, suspend, or revoke aid except that an initial payment may not be suspended. The recipient shall be immediately notified of the county's action, the reason therefor, and the right of appeal therefrom. The notification, Form AG 239-A, or a substitute incorporating the information appearing on Form AG 239-A, shall be mailed to the last known address of the recipient and the case record shall show that such notification was sent. (See Sec. A-1318, Notification to Recipient of Change in Grant.)

Aid shall be suspended by the county when there is neither proof of continued eligibility nor proof of ineligibility. Suspension is the process whereby delivery of a warrant is withheld beyond the month for which the warrant is issued while circumstances which raise question regarding the recipient's continued eligibility are investigated. Upon completion of the investigation suspended warrants are either released to the recipient or canceled. Discontinuance of aid differs from suspension in that aid is discontinued only when the information establishes ineligibility for continued aid. An initial warrant may not be suspended. (See Sec. A-1306, Initial Payments.)

Action authorizing the suspension of aid shall be taken by the board of supervisors not later than the first meeting of the month following that for which delivery of a warrant is withheld. Exception: When the county welfare department establishes eligibility prior to the first board of supervisors' meeting of the month following that for which delivery of a warrant is withheld, the warrant may be released without the necessity of board action authorizing the suspension of aid, provided the warrant is delivered on or before the date of such board meeting.

Upon request of the SDSW, an immediate report of every suspension of aid shall be made. Such report shall state the reason for the suspension, the date on which the board of supervisors approved the suspension, and the progress made toward establishing eligibility.

When delivery of a warrant has been withheld but eligibility is subsequently established and the warrant is delivered on or before the last day of the month for which it is issued, suspension action is not necessary.

When information which raises question regarding continued eligibility makes it advisable to withhold delivery of the warrant for a particular month investigation of the eligibility question which caused the suspended payment shall proceed promptly and with all diligence in order that eligibility for continued aid may be established at the earliest possible date. In such cases a notice shall be forwarded to the county auditor requesting that delivery of the warrant for the specified month be withheld. The specific reason why eligibility is questioned shall be recorded on the notification to the auditor, a copy of which shall be retained in the county case record.

Counties may devise their own form for notification to the county auditor. It may be advisable for such notification to be the same size as the warrant as this facilitates filing information regarding the dates of

(Section Continued on Next Page)

release with such warrants when they are returned to the auditor's office after having been cashed by the payee.

When investigation establishes eligibility, two copies of a notification prepared in triplicate, shall be forwarded to the county auditor requesting release of the warrant for the particular month. One copy shall be retained in the county file. A statement covering the results of the investigation which justified release of the warrant shall be included in the case record, either in the narrative or on the notification to the county auditor. Upon release of the suspended payment, the auditor shall indicate on the second copy the date of release of the warrant, sign it, and return it to the county welfare department where it shall be filed in the county case record. Board of supervisirs' action is not required to release a suspended warrant. (See Sec. A-1316, Retroactive Aid Payments.)

When factors beyond the control of the county delay the receipt of information necessary for a determination regarding eligibility, the warrant for the second month shall be issued but delivery withheld while investigation is continued. Such situations may be due to failure to receive replies from persons or agencies in another locality, to the physical condition of the recipient, etc. A notice shall be forwarded to the county auditor specifying the particular month for which delivery of the warrant is to be withheld and a copy of this retained in the county case record. When necessary, delivery of this warrant may be withheld beyond the month for which it is issued and further suspension action by the board of supervisors is not required. (See Sec. A-1316, Retroactive Aid Payments.)

In extremen cases, delivery of the warrant for the third month may also be withheld. When the investigation has not determined by the last day of the third month, that the recipient is eligible, the warrant for the third month, together with the warrants for the two previous months shall be canceled. Aid shall be discontinued effective the last day of the month immediately preceding the first suspended payment. A Notice of Change, Form Ag 232, reporting the discontinuance, shall be filed in the case record.

When eligibility is established during the second or third month, the usual notification to the county auditor shall be forwarded in duplicate, requesting that the withheld warrants be released. The auditor shall return one copy to the county welfare department after indicating the particular warrants which were released and the date of release. In no case may the warrants be released later than the last day of the third month.

When ineligibility to all of the suspended warrants and to current aid is established, the suspended warrant or warrants shall be canceled. A Notice of Change (Form Ag 232) shall be filed in the case record reporting discontinuance of aid effective the last day of the month preceding that for which the warrant or warrants are canceled. The Notice of Change shall also indicate which warrant or warrants are to be canceled.

When the ineligibility to one or more of the suspended warrants is established but there is cufrent eligibility and the grant continues, the policies and procedures in Sec. A-1326, Cancellation of Warrants for Months During Which Recipient Was Ineligible Under Suspension Procedure, shall be followed. (See Sec. A-1328, Changes in Grant During Suspension of Aid.)
(W&IC 2140, 2220)

Notification of Suspended (Withheld) Aid Payments

OLD AGE SECURITY

_____COUNTY

To:

Date_____

State Number_____

County Number_____

District_____

Your Old Age Security warrant for the month of_____has been suspended (withheld) pending completion of investigation of your eligibility to receive it. This action was necessary because

Every effort is being made to complete the investigation promptly and if you are found eligible to receive the warrant it will be sent to you. Otherwise the aid can not be paid.

If you do not understand this notice, or are dissatisfied with the action taken, contact the County Welfare Department located at_____ for discussion of any questions involved.

COUNTY WELFARE DEPARTMENT

*By*_____

An applicant or recipient who is dissatisfied with the action taken upon his application, or with respect to the amount of aid granted may request a hearing before the Board of Supervisors, but such request must be filed with the County Board of Supervisors within 30 days from the date of this notice. (Welfare and Institutions Code, Section 2181.1.)

OR

The applicant or recipient who is dissatisfied with the action taken on his application, or with respect to the amount of aid granted may appeal directly to the State Department of Social Welfare, 616 K Street, Sacramento, but if a hearing before the Board of Supervisors has been requested, an appeal may not be filed with the State Department of Social Welfare until after the decision of the Board of Supervisors has been rendered. (Welfare and Institutions Code, Section 2182.)

An appeal to, or a request for a hearing before the Social Welfare Board shall be made within one year after the date of the action with which the applicant or recipient is dissatisfied. (Welfare and Institutions Code, Section 104.5.)

IMPORTANT: Information for all recipients of Old Age Security:

Should circumstances make it necessary for you to move, it is your responsibility to make proper arrangements with your County Welfare Department before you move, either out of the county or to a new address within the county. Otherwise, there may be an unavoidable delay or interruption in the receipt of your aid.

In accordance with your statement, formally sworn to at the time you signed your application, you are requested to discuss promptly with your County Welfare Department any changes in your circumstances or financial condition. This will include discussion of purchase or sale of real or personal property, and any changes in your income from property, responsible relatives, earnings, or any other source.

FORM AG 239-A—*Rev. March, 1950*

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A-1326 CANCELATION OF WARRANTS FOR MONTHS DURING WHICH RECIPIENT WAS INELIGIBLE UNDER SUSPENSION PROCEDURE A-1326

When an authorized award is in effect but delivery of two or more warrants is withheld under the provisions of Sec. A-1324, Suspension Procedure, while investigation of a cloud on eligibility is made, it will sometimes be established that the recipient was ineligible to certain of the suspended warrants but eligible to the others. The warrant or warrants to which the recipient is found ineligible shall be canceled.

When aid continues, the cancelation of an interim suspended warrant does not result in an interruption of the authorization for payment of aid. The authorization has been continuously in effect and, therefore, aid is not discontinued by a canceled payment. The delivery of a warrant for the month following the period covered by the canceled suspended warrant or warrants does not represent restoration. A Notice of Change(Form Ag 232) showing county action shall be filed in the case record, reporting the month or months for which the suspended payments was canceled together with the reason. Only those payments which are canceled under the circumstances described in this section shall be reported in this manner. (W&IC 2140)

A-1328 CHANGES IN GRANT DURING SUSPENSION OF AID A-1328

When it is found, during the suspension of aid, that the recipient was eligible for a lesser amount of aid than that for which the suspended warrant or warrants were issued, the original warrant and any other suspended warrants may be paid and a repayment sought from the recipient for the amount in excess of that to which he was eligible, or the original warrant and other subsequently suspended warrants may be canceled and a new warrant or warrants in the correct amount issued. (See Sec. A-1310, Decrease in Grant.) If the original warrant and any subsequently suspended warrants are canceled and a new warrant or warrants issued, the county must approve the changed grant and the new warrant or warrants must be issued before the end of the suspension period.

When, during suspension of aid, it is determined that the recipient was eligible to a greater amount of aid than that for which a suspended warrant or warrants were issued, the original warrant or warrants may be released. The additional amount due for a particular month may be retroactively paid, or the original warrant may be canceled and a new warrant or warrants in the correct amount issued. (See Secs. A-1316, Retroactive Aid Payments, and A-1308, Increase in Grant.)

A Notice of Change (Form Ag 232) shall be filed in the case record after County action, showing the change in the grant, beginning as of the first day of the month in which it was effective. (W&IC 2140)

A-1332 AUTHORIZATION OF PAYMENT A-1332

Action of the County granting, restoring, increasing, decreasing assistance or changing the payee constitutes the final action which unconditionally authorizes payment to be delivered to the specified payees. Such action authorizes delivery of the payment immediately, except where a future date is specified. With respect to continuing grants, the first day of each month (as provided by law) is the effective date of the continuing authorization for payment.

Likewise, when aid is granted pursuant to an order of the SSWB (after a hearing on appeal), the county action by which the SSWB's order is executed constitutes the final action which unconditionally authorizes payment to be delivered to the appellant. The SSWB, when ordering aid paid on an appeal, in effect remands the case to the county who alone have the power to direct disbursement of funds from the county treasury.

The authorization is mandatory with respect to its execution, except where payment of aid is withheld or suspended because of a cloud on eligibility. (See Sec. A-1324, Suspension Procedure)

For the purposes of establishing the applicant's or recipient's accrued period of eligibility, and of computing the amount of payment due, the county's authorization for payment of retroactive aid includes a determination of such retroactive period. (See Sec. A-1316, Retroactive Aid Payments.) This period, however, has no bearing on the effective date of the authorization for payment. (W&IC 2140, 2181)

A-1334 PAYMENT BY WARRANT A-1334

All aid paid to recipients shall be by warrant of the county.

County warrants issued in payment of aid shall be redeemable at par. The financial condition of the county should at all times guarantee the cashing of warrants without discount. If it becomes necessary at some time for the county to register its warrants, the SDSW shall be notified at once as to arrangements made with local banks for the immediate cashing of warrants at par on demand.

Aid in kind is not subject to state and federal participation.

Payment of aid shall be made directly to the grantee or authorized payee, except under certain conditions following death. (See Sec. A-1346, Payment When Grantee or Payee Dies) (W&IC 2140, 2183; Pol. Code 4082; FSS-Admin.)

A-1336 TIME OF PAYMENT A-1336

Payments of aid shall be made by county warrant monthly in advance. (See Sec. A-1316, Retroactive Aid Payments.)

Payment is effected by deposit of the warrant, properly stamped and addressed, in the United States mail, or by delivery to the recipient or payee by an authorized representative of the county. Enclosures with warrants

(Section Continued on Next Page)

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so mailed or delivered are restricted to those matters relating to administration of the program to which the warrant refers. Any other material which a county may desire to enclose with a warrant requires prior SDSW approval.

Warrants required to be paid monthly in advance shall reach recipients by postal delivery on the first day, but not prior to the first day, of the month for which payment is made, or as soon thereafter as possible. In order to accomplish this, warrants may be mailed prior to the first of the month, but not prior to the last working day of the previous month.

All warrants shall be clearly marked to show the date of issuance. If the delivery date is other than the date of issuance shown on the warrant, the date of delivery shall be shown either on the warrant or on a separate record which shall be available for inspection by the SDSW.

If a recipient is eligible on the first day of the month, he is entitled to receive payment for the full month, even though his status changes at some time during the month. (See Sec. A-1346, Payment When Grantee or Payee Dies.)

The state, federal, and county portions of the aid shall be paid at one time by a single warrant. (W&IC 2140, 2160.6, 2182, 2182.1, 2183, 2183.9; FSS-Admin.)

A-1338 WHEN WARRANTS BECOME VOID A-1338

Any warrant issued in payment of aid and payable to the recipient, or payable to the guardian, trustee, disbursing agent, or any custodian of the funds or estate of the recipient is void if not presented to the county treasurer for payment within six months after its date.

Every aid warrant shall carry notice of this fact conspicuously on its face in order that persons holding such warrants will present them for payment within the time limit specified. The following wording is recommended: "This warrant is void if not presented for payment within six months from date."

The warrant issue date shall not be counted in computing the last day of the six month period. If the last day falls on a Sunday or a legal holiday, the day following is considered to be the last day.

Any claim arising from a valid authorization to pay aid resulting in the issuance of an aid warrant becomes void on the same date as the warrant. (W&IC 2140; Gov. Code 29802, AGO 49/242)

A-1340 REISSUANCE OF WARRANTS A-1340

Whenever a warrant has been lost or destroyed before it is paid by the county treasurer, the amount due may be recovered by the payee by filing with the auditor prior to the time the warrant becomes void an affidavit setting forth the fact of the loss or destruction of the warrant, the number, date, amount, name of the payee, and all material facts relative to its loss or destruction. Upon the filing of the affidavit the auditor shall issue and deliver to the payee a duplicate warrant bearing the same date as the

(Section Continued on Next Page)

original warrant for the full amount of the original warrant and the treasurer shall pay the duplicate in lieu of the original warrant. The reissued warrant shall bear the same date as the original warrant and must be presented for payment within the same time limit set forth for the original warrant.

If ownership of the warrant had passed from the original payee to another person (bank, store, etc.) by endorsement prior to the time it was lost or destroyed, the amount due may be recovered by the legal owner of the warrant in the manner set forth above. In this event the county auditor shall issue and deliver the duplicate warrant to the legal owner instead of the original payee.

A warrant shall be considered lost if it has been mailed and has not been received by the addressee within twenty days after the date of mailing.

A warrant shall be considered to have been destroyed if it has been canceled in error by the county auditor. (W&IC 2140; Government Code 29850, 29851, 29852, 29853)

A-1342 IDENTIFICATION ON WARRANTS A-1342

The payee's name shall appear on the warrant exactly as his signature appears on the application (Form Ag 200), on the Summary of Letters of Guardianship (Form DPA 5). Exception: If the county's disbursement procedures make it difficult to use the full first name, the initial only may be shown on the warrant.

The state number assigned to the case may appear on the face of the warrant for further identification. It shall be used with the name in all correspondence, reports, records, and other data regarding the warrant.

Warrants drawn in payment of OAS shall not carry any reference to indigency or pauperism and shall not include any word or abbreviation indicative of aid, assistance, charity, needy, support, welfare, or words or abbreviations of similar connotation. The program title Old Age Security and the abbreviation OAS, shall not appear on the warrant nor shall the fund designation appear on the warrant if it includes such words as welfare, security, relief, indigent, etc.

For identification purposes within the county government OAS warrants may carry a code letter such as A, or a number provided such code is not generally understood by the public.

If case numbers are written on the warrant by typewriter or other mechanical process, such numbers may include the program suffix as Ag for OAS. (W&IC 118.2, 2009, 2140; FSS-Admin.)

A-1344 ENDORSEMENT OF WARRANTS A-1344

Warrants issued in payment of aid shall be endorsed by the authorized payee in order to signify receipt of payment, except in the case of a deceased grantee or payee as provided in Sec. A-1346, Payment When Grantee or Payee Dies. Warrants issued in favor of the legally appointed guardian of a recipient shall be endorsed by the guardian.

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A payee may endorse a warrant in a foreign language which differs in appearance from his name as it appears on the face of the warrant, e.g., in Chinese characters. Such endorsement is acceptable unless there is reason to doubt its authenticity.

When a payee is unable to write his name, he may endorse his warrant by means of a mark, e.g., an X or a thumb print. Such mark endorsement shall be accompanied by the name of the grantee and the signature and address of at least one witness in attendance at the time the mark endorsement is made.

When the recipient or the payee is handicapped to the extent that he is unable to sign his name or to make his mark, it is acceptable for a witness to touch the pen to the body of the recipient prior to making the mark for him. Thus, by making the ritual a physical act rather than actually having the recipient himself make the mark, the objective of maintaining the comfort and the dignity of the individual can be approached. In this instance, the mark itself is made by one of the two witnesses. (W&IC 2140; FSSB)

Example of a form which may be used on the reverse side of the warrant to obtain proper endorsement:

Endorsement hereon acknowledges payment for month specified

_____

This warrant must be endorsed on the line below by the person in whose favor it is drawn, and the name must be spelled exactly the same as it is on the fact of this warrant. (Note: If endorsement is made by mark (X) see instructions below.)

_____

(Sign on this line)

FORM FOR ENDORSEMENT BY MARK (X)

If endorsement is made by mark (X) it must be witnessed by one person who can write. Use form below:

(HIS) OR (HER)

☐

MARK

_____

(Payee's name must be written on this line exactly as it appears on face of warrant.)

Witness to mark:

Name _____

Address _____

Name _____

Address _____

A-134 (Continued) A-134

A payee may endorse a warrant in a foreign language which differs in appearance from his name as it appears on the face of the warrant, e.g., in Chinese characters. Such endorsement is acceptable unless there is reason to doubt its authenticity.

When a payee is unable to write his name, he may endorse his warrant by means of a mark, e.g., an X or a thumb print. Such mark endorsement shall be accompanied by the name of the payee and the signature and address of at least one witness in attendance at the time the mark endorsement is made.

When the recipient or the payee is handicapped to the extent that he is unable to sign his name or to make his mark, it is acceptable for a witness to temon the pen to the body of the recipient prior to making the mark for him. Thus, by making the ritual a physical act rather than actually having the recipient himself make the mark, the objective of maintaining the comfort and the dignity of the individual can be approached. In this instance, the mark itself is made by one of the two witnesses. (Sec 210; R&SA)

Example of a form which may be used on the reverse side of the warrant to obtain proper endorsement:

Endorsement hereon acknowledges payment for month specified

_____

This warrant must be endorsed on the line below by the person in whose favor it is drawn, and the name must be spelled exactly the same as it is on the face of this warrant. (Note: If endorsement is made by mark (X) see instructions below.)

_____
(Sign on this line)

FOR ENDORSEMENT BY MARK (X)

If endorsement is made by mark (X) it must be witnessed by one person who can write. Use form below:

(MRS.) OR (MRS.)

MARK

_____
(Payee's name must be written on this line exactly as it appears on face of warrant.)

Witness to mark:

Name

_____

Address

_____

Name

_____

Address

_____

When an eligible grantee dies on or after the first day of the month, aid shall be paid for the full month even though the warrant had not been delivered before death occurred.

In the event that a county has knowledge of the recipient's death prior to the preparation of the warrant the warrant shall be made payable to one of the following:

1. The grantee.
2. The duly appointed and qualified executor or administrator of the recipient's estate.
3. Whomever the California Probate Code designates as the proper party to receive monies belonging to the decedent's estate.

    a. When the decedent's estate falls within the categories outlined in Sec. 630 of the Probate Code, Summary Probate Proceedings, the warrant may be made payable to such successor when he furnishes the County Auditor with an affidavit showing his right under Sec. 630 of the Probate Code to receive the money.

If the recipient dies before OAS, authorized prior to his death, is paid to him, such aid shall be made payable as outlined above. If aid is granted subsequent to the applicant's death or if aid is increased by county action subsequent to the recipient's death, such aid is <u>not</u> payable and the warrants shall be canceled.

A warrant made payable to the grantee but not endorsed by him may be endorsed only by one of the following:

1. The duly appointed and qualified executor or administrator of the recipient's estate.

2. Whomever the California Probate Code designates as the proper party to receive monies belonging to the decedent's estate.

    a. When the decedent's estate falls within the categories outlined in Sec. 630 of the Probate Code, Summary Probate Proceedings, the warrant may be endorsed by such successor when he furnishes the County Treasurer with an affidavit showing his right under Sec. 630 of the Probate Code to receive the money.

    b. Endorsements on warrants made under Summary Probate Proceedings should refer to the supporting affidavit required of persons claiming estates under Sec. 630 of the Probate Code, Summary Probate Proceedings.

When the payee is other than the recipient of aid and the payee dies, the warrant shall not become part of the payee's estate. The original warrant, issued to the deceased payee, shall be canceled and a duplicate warrant shall be issued to the new payee or guardian. (W&IC 2140)

FEDERAL PARTICIPATION

A-1350 BASIS FOR FEDERAL PARTICIPATION AND ACTUAL FEDERAL SHARE A-1350

In OAS the maximum basis for federal participation is $50. The actual federal share is: 3/4 of $20, plus 1/2 of the difference between the amount paid (not counting excessover $50) and $20. If the grant is less than $20, 1/2 of the difference between the grant and $20 is deducted from 3/4 of $20. The maximum federal share is $30.

The short fomula for computing the federal share is: 1/2 the amount paid (not counting excess over $50) plus $5.

Example 1: OAS grant $65, federal basis $50

Regular formula

3/4 x $20 = $15.00
1/2 x ($50 - $20) = $30/2 = $15.00
Federal share = $15 + $15 = $30.00

Short formula
Federal share = (1/2 x $50) + $5 = $25 + $5= $30.00

Example 2: Grant $17, federal basis $17

Regular formula
3/4 x $20 = $15.00
1/2 x ($17 - $20)= -$3/2 =-$ 1.50
Federal share = $15.00- $1.50 = $13.50

Short formula
Federal share = (1/2 x $17) + $5 = $8.50 + $5= $13.50

Example 3: Grant $4, federal basis $4

Regular formula
3/4 x $20 = $15.00
1/2 x ($4 - $20) = -$16/2 =-$ 8.00
Federal share = $15 - $8 = $ 7.00

Short formula
Federal share = (1/2 x $4) + $5 = $2 + $5= $ 7.00

(SSA)

The first payments made on new applications and restorations are initial payments. Federal participation is available in initial payments provided the county action occurs within the month for which the aid is granted and the warrant is delivered during the same month or not later in the following month than the time when such payment would normally be issued under the county's customary fiscal procedure. Federal participation is also available in initial payments as follows:

1. If a retroactive payment has been made to adjust an appeal which has been filed, but not yet heard by the SSWB, or to carry out an appeal decision by the SSWB. The Federal Government participates in the payment for all or any part of the period during which the appeal was pending, plus the month during which the appeal was signed and the two preceding months, provided such period does not antedate the month in which payment was improperly denied or withheld.

2. If an application for aid has been improperly denied and such action is later rescinded. The Federal Government participates in the payment for the month in which the correcting action was taken and the two preceding months, provided such period does not antedate the month in which payment was improperly denied or withheld.

3. If the beginning date of aid originally established on an application is not in accordance with the provisions of the W&IC Sec. 2183 or 2183.9 and a subsequent corrective action is taken beginning aid at an earlier date. The Federal Government participates providing the retroactive aid is not for a month(s) prior to the month of the original action and further providing that the corrective action is taken by the end of the second month following that in which the original action was taken.

Example 1: An OAS application which was signed on July 15 was granted on September 15, aid to start effective October 1. On October 25 the county discovers that aid should have been effective September 1 according to the provisions of W&IC 2183. On November 2 the county takes action correcting the erroneous beginning date of aid by ordering aid paid effective September 1. There is federal participation in the warrant issued in November for September as there would have been no retroactive initial payment if the original action in September had been correct.

Example 2: An OAS application which was signed on June 15 was granted on October 15, aid to begin October 1. On October 25 the county discovers that aid should have been effective September 1 according to the provisions of W&IC 2183. On November 2 the county takes action correcting the erroneous beginning date of aid by ordering aid paid effective September 1. There is no federal participation in the aid paid in November for September as the original county action occurred in October. Had aid been correctly granted in October from September 1, there would have been no federal participation as the initial payment would have been retroactive.

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Federal participation is available for retroactive aid in the following situations (See Sec. A-1316, Retroactive Aid Payments).

4. Increased Payment

If a payment of aid has been made in accordance with the authorized award and is later found to be less than the amount for which the recipient was eligible. The Federal Government participates in additional payments authorized before the end of the second month following that in which the underpayments occurred.

5. Correction of Erroneous Payment

a. If a payment in a particular month is made for less than the authorized award for that month and the error is corrected by delivery of an additional warrant within a three-month period, including the month in which the erroneous payment was made. No county action is necessary.

Example 3: The authorized award for January is $40. Through error only $30 is paid on January 1. The additional $10 may be paid later in January, in February or not later than March 31. No change in the award is made to correct the underpayment.

b. If a payment is made in excess of the authorized award. The Federal Government participates in the excess payment only if the amount of the excess is taken into consideration in the payment for either of the two months following the month in which the overpayment was made. No change in the authorized award should be made to correct the overpayment.

Example 4: The authorized award in OAS is $50. Through error $60 is paid in January. In February or March $10 less than the authorized award is paid to adjust for the $10 overpayment in January. No change in the award is made to correct the overpayment.

6. Delayed Payment

If a grant of aid has been properly authorized but either the issuance or release of the warrant has been delayed in such situations as are described in:

a. Item 4 and 6 of Sec. A-1316, Retroactive Aid Payments, for initial warrants.

b. Items 3 through 8 of Sec. A-1316, Retroactive Aid Payments for other warrants.

(Section Continued on Next Page)

The Federal Government participates provided the payment is released within the two months following the month for which delivery was not made.

7. Payment with Respect to an Erroneous Discontinuance

If an erroneous discontinuance is later rescinded. The Federal Government participates in the payment for the month in which the correcting action is taken and the two preceding months.

8. Appeals to SSWB

If a retroactive payment has been made to adjust an appeal which has been filed, but not yet heard by the SSWB, or to carry out an appeal decision by the SSWB. The Federal Government participates in the payment for all or any part of the period during which the appeal was pending, in addition to the month during which the appeal was signed and the two preceding months, provided such period does not antedate the month in which payment was improperly denied or withheld.

Federal participation is not available for retroactive payments for any months between the expiration of the investigation period and the month(s) in which assistance is authorized except if aid has been improperly denied and such action is later rescinded, provided such period does not antedate the month in which payment was improperly denied or withheld. (See Sec. A-1306, Initial Payments)

Example 5: An OAS application was signed on July 5. The 60-day period ended September 3. The application was granted on November 8. Aid is paid from October 1 as the first of the month following the end of the 60-day period is earlier than the first of the month in which the county granted the application. There is no federal participation in the OAS payment made in November for October.

Example 6: An application for OAS is signed onSeptember 25. The 60-day investigation period expires on November 24. Determination that the applicant is eligible is not made until February 5, when the county grants aid to begin December 1, the first of the month following the expiration of the 60-day period. There is no federal participation in the OAS payments made in February for December and January.

(Section Continued on Next Page)

Federal participation is available in payments made under conditional grant after discontinuance due to employment provided the case record indicates presumptive eligibility, the fact of eligibility has been determined and investigation has been completed by county action within two months after the month in which the county acted to restore aid conditionally. Payments made under conditional restorations shall be claimed non-federal. Appropriate claim adjustment should be made by the county on Form AB 816, Schedule of Adjustments, to claim federal reimbursement retroactively after the above conditions have been met. If the county's second action is not taken within two months after the month in which the county granted aid "conditionally" federal participation may be claimed only from the first of the month in which the second action is taken. (See ~~chapter entitled Investigation.)~~ Sec A-284 Reapplication or Restoration Following Discontinuance Due to Employment)

Patients in Public Medical Institutions:

With certain exceptions there is federal participation in payments for two calendar months made to patients in public medical institutions. See Sec. A-930, Eligibility While in a Public Medical Institution, for definition of "patient" and "public medical institution" and for circumstances under which federal participation is available.

Guardianship:

There is no federal participation in payments made to a guardian who is an employee of the SDMH. (See Sec. A-228, Person Making Application, Subsection C) (W&IC 2140, 2183.9, 2186; FSS-Admin)

REPAYMENTS

A-1356 INVESTIGATION OF OVERPAYMENTS A-1356

Whenever it appears that an overpayment of aid has been made, i.e., aid has been paid during a period for which there was not eligibility or a greater amount of aid has been paid than for which there was eligibility, the county shall determine:

1. Whether overpayment of aid has been made
2. The period of overpayment
3. The reason for overpayment
4. The amount of overpayment
5. Whether or not overpayment was the result of fraudulent intent; if there was no fraudulent intent and overpayment was caused by factors other than income, the county shall determine whether the overpayment resulted from withholding of facts believed to be immaterial
6. Whether or not the right to request repayment exists.

These determinations and the basis for the determinations shall be recorded in the case record.

Note: See Sec. A-1360 regarding payments for which there is not valid authorization, i.e., erroneous payments.

(W&IC 2140, 2222, 2223.5; AGO 47/307)

A-1358 RIGHT TO REQUEST REPAYMENT OF AID A-1358

CIRCUMSTANCES UNDER WHICH THERE IS NO RIGHT TO REQUEST REPAYMENT

Except to the extent that overpayment can be adjusted within the current adjustment period (see Secs. A-1310, Decrease in grant and A-1312, Discontinuance of Aid) there is no right to request repayment for:

1. Overpayment during a period subsequent to the date the recipient reported or otherwise disclosed the facts affecting his eligibility.

2. Overpayment determined on the basis of facts of which the recipient had no knowledge.

CIRCUMSTANCES UNDER WHICH THERE IS A RIGHT TO REQUEST REPAYMENT

In circumstances other than as stated immediately above, the eligibility factors involved govern the determination of the right to request repayment and the amount to be requested.

Overpayment Caused by Excess Real or Personal Property

If the recipient purposely withheld (or misrepresented) the facts in order to obtain aid to which he was not entitled, the right exists to request repayment of all aid paid during the period while property holdings were in excess of the allowable maximum.

If the recipient actually believed himself to be entitled to the

(Section Continued on Next Page)

aid received but failed to disclose facts merely because he believed them to be immaterial to his eligibility, the right exists to request repayment only to the extent of the largest amount by which his real or personal property holdings were excessive during the period of ineligibility.

In no event shall repayment be requested in an amount greater than the aid the recipient received while possessed of excess property, except as provided in Sec. A-1364, Discovery of Excess Property or Income Subsequent to Recipient's Death.

Overpayment Caused by Income (and/or decreased need)

The right exists to request repayment to the extent of the overpayment which occurred. It is irrelevant whether the recipient purposely failed to report his income or failed to report it because he thought it was immaterial to his eligibility.

When figuring the amount of overpayment for a particular month, no consideration shall be given to special needs which the recipient had not reported by the end of the particular month. Further, the total need shall not be increased by carrying forward any deficiency between total need in a prior month, and the sum of the grant and the income in such prior month.

Overpayment Caused by Factors Other Than Income or Excess Property.

The right exists to request repayment to the extent of all aid paid during the period of ineligibility only if the recipient withheld or misrepresented the facts in order to obtain aid to which he was not entitled. Exception: If overpayment resulted from the recipient's failure to disclose the facts because he believed them to be immaterial, there is no right to request repayment for any overpayment which cannot be adjusted within the current adjustment period.

If a recipient failed to report or otherwise disclose the facts as to his eligibility, the right exists to request repayment as above defined even though the county may have had facts as to ineligibility from some other source and failed to act upon them.

If the right exists to request repayment, the county shall made a demand for repayment of the amount due. (See Sec. A-1368, Demand for Repayment) However, if there is evidence that the recipient was underpaid for a past month or months for which the county is now required to pay retroactive aid (i.e., the recipient was entitled to receive an additional amount of aid for a particular month on the basis of changed need and/or income which had been reported (see Sec. A-1316, Item 11)) the amount of repayment due may be decreased to the extent of such underpayment in lieu of issuing retroactive aid payments. The reason for a request for repayment in the reduced amount shall be explained in the case record.

(Section Continued on Next Page)

Example: During reinvestigation in December it is determined that the recipient had unreported income in February which resulted in an overpayment of $30 in that month only. Also the record shows that no action was taken to allow for a special medical need in June which the recipient reported in that month. On the basis of reported need in June the recipient is entitled to $10 retroactive aid. Request is made for repayment of $20 ($30 overpayment in February less $10 underpayment in June).
(W&IC 2140, 2222, 2223.5; AGO 47/307)

A-1360 ERRONEOUS PAYMENTS A-1360

An erroneous payment is a payment or a series of payments made for a period for which there was not a valid authorization, or for which there was a valid authorization for a lessor amount than the amount paid.

Such an erroneous payment may be adjusted without county action, within the current adjustment period. The right to request repayment exists for the unadjusted amount with the limitation that repayment may be required only from resources of the recipient other than the current grant or income required to meet the current need.

Such erroneous payments when discovered shall, if they have been claimed to the state as public assistance payments, be credited on a current claim. Amounts received in repayment from the recipient are credits to county funds. (W&IC 2183, 2184)

A-1362 OVERPAYMENTS RESULTING FROM CONDITIONAL RESTORATION FOLLOWING DISCONTINUANCE BECAUSE OF EMPLOYMENT A-1362

A duty exists to request repayment of all aid conditionally paid and to which, upon completion of investigation, the recipient is shown to have been ineligible. (See Sec. A-284, Reapplication or Restoration Following Discontinuance Due to Employment.) (W&IC 2183.9)

A-1364 DISCOVERY OF EXCESS PROPERTY OR INCOME SUBSEQUENT TO RECIPIENT'S DEATH A-1364

If, upon the death of a recipient, it is discovered that he was possessed of property or income in excess of the amount allowed under the OAS Law, the county shall immediately refer his case to the SDSW for appropriate action. The SDSW, in conjunction with the Attorney General, will proceed against the estate of the deceased recipient. Upon recovery from the estate the county share of the repayment will be remitted by SDSW to the county. (W&IC 2223)

A-1366 SOURCE OF REPAYMENT A-1366

If the right to request repayment exists, repayment shall be demanded within the limits of the California Civil Code and the Code of Civil Procedures from any and all resources (real and personal property) of the debtor, except that recipients of OAS shall not be demanded to make repayment from:

(Section Continued on Next Page)

1. The current grant or income required to meet the current need of the recipient unless the overpayment can be adjusted within the current adjustment period.

2. Real and personal property required to meet certain of the recipient's continuing needs. These are:

   a. Real property: the home in which he lives;

   b. Personal property: household furniture, equipment and furnishings, personal effects, clothing, and an automobile if such automobile has been determined to be necessary to his particular need.

As used in this section and the following sections the terms "recipient" and "debtor" refer to the person to whom aid is or has been paid.

Repayment may be demanded, within the limits of the probate code, from any and all real and personal property of the estate of a former recipient, except that the rights of the county shall be subordinated to the rights of a surviving spouse who is a recipient of aid, if the surviving spouse executes an agreement not to transfer or encumber such property without the consent of the county. (W&IC 2006, 2140)

A-1368 DEMAND FOR REPAYMENT A-1368

If it is determined that the right to request repayment exists, a formal written demand shall be promptly served upon the debtor. This demand may be mailed to the debtor at his address of record or may be delivered in person. It shall include the following:

1. The reason for, and the amount of, the repayment due.

2. A statement that the right to request repayment exists.

3. A statement that the repayment is due and payable immediately and that repayment or a satisfactory plan for repayment is required within 30 days. If the debtor is a recipient without resources other than the grant and the income to which he is currently entitled, a statement shall be made that he is not obligated to make repayment from such funds.

4. A statement that, upon request, a county representative will be available to advise him as to his rights and responsibilities with respect to the amount due.

(W&IC 2007, 2140)

If the right to request repayment exists, and if the debtor does not reply to the demand for repayment within a reasonable time, a determination shall be made as to the debtor's ability to repay that portion of the debt which has not been adjusted within the current adjustment period. If the unadjusted amount is $50 or more, an investigation shall be made and the following shall be recorded centrally or in the case record:

1. A statement of the sources and amounts of income.

2. A listing of real and personal property.

3. If the debtor is currently a recipient of aid, the real and personal property required to meet certain of his continuing needs as defined in Sec. A-1366, Source of Repayment.

4. A statement from the debtor as to his intent and pecuniary ability to repay.

Form A, Statement of Debtor's Resources, is suggested for the recording of the investigation.

If the unadjusted amount is less than $50, the investigation and recording are optional.

(W&IC 2007, 2140)

(Section Continued on Next Page)

STATEMENT OF DEBTOR'S RESOURCES

Suggested Form A.

State No:_____

Name:_____

Address:_____

Currently receiving aid?_____

INCOME:

Monthly amount: $_____ Source:_____

Amount required to meet current need of debtor and spouse (and minor children in ANC): $_____

PROPERTY:

Real: Location_____

Assessed Value: $_____ Estimated real value: $_____

Encumbered?_____ Amount of Encumbrance:$_____

Occupied by debtor?_____ If not occupied, how utilized?_____

Personal: Cash or bank balances:$_____ Securities:$_____
(Include postal savings) (Include trust deeds,war bonds)

Insurance, Face Value: $_____ Estimated cash surrender value: $_____

Furniture and equipment - estimated value: $_____

Automobile - estimated value: $_____ Determined necessary?_____

Other (describe and give estimated value)_____

_____

Debtor's statement regarding willingness and pecuniary ability to make payment:

_____

_____

_____

County Worker

The following shall form part of a plan for collection effort in all counties, unless a different plan, designed to accomplish the same objectives, is submitted to the SDSW.

Counties desiring to utilize a plan not incorporating some of the following points, shall inform the Director of the SDSW of their intention by February 1, 1951.

Such counties shall file their plan with the SDSW by March 1, 1951, and may operate under its provisions until notified of the rejection of the plan by the SDSW.

1. If, within a reasonable time from service of a Demand for Repayment (see Sec. A-1368) the repayment has not been made or a satisfactory plan for repayment submitted, the debtor shall be requested to complete and sign a non-interest bearing Agreement to Reimburse Note (see suggested Forms B and C). This Note may be payable in specific amounts on specific dates or it may be made payable "on demand." In the latter case and provided the amount due is $50 or more, the debtor shall also be requested to execute a Confession of Judgment (see suggested Form D) with the understanding the Judgment will not be executed until after death of the recipient or his spouse (see Sec. A-1366) or until additional property is available.

   If a debtor has a policy of life insurance and the amount due is $50 or more, he shall be requested to assign the insurance policy to the county with the understanding that the proceeds of the policy will be applied toward liquidation of the debt and the remainder, if any, to be turned over to the beneficiary.

2. If the debtor is unwilling to execute a Confession of Judgment, the county shall file a suit unless the investigation prescribed in Section A-1370 has determined that the debtor does not own property from which repayment can be made either presently or in the future. Suits for amounts from $50 to and including $100 shall be filed in the small claims court. If the amount due is less than $50, the filing of a suit in small claims court is recommended but not mandatory.

3. A Confession of Judgment given by the debtor or a judgment rendered as a result of suit shall be immediately recorded as a lien against specific items of real property of the debtor with an omnibus clause to include such additional property as the debtor may thereafter acquire.

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4. Judgments and all liens applying thereto shall be renewed at necessary intervals to insure that they will not lapse because of the running of a Statute of Limitations. (See Item 8, of this section.)

5. If the debtor is a recipient of OAS, who has no resources available to satisfy the debt, and a lien has been recorded against his property, foreclosure shall be deferred until after death (see Sec. A-1366), at which time claim shall be filed in probate proceedings.

6. A periodic check of probate records shall be made. It is recommended that this check be made monthly, but in no event shall it be made less frequently than quarterly. Any probate involving the estate of a deceased recipient shall be checked in order to determine if the decedent was a debtor against whose estate a claim for repayments due can be filed.

   Any probates of estates of deceased recipients of OAS which indicate that the decedent may have been possessed of property in excess of the amount authorized by law shall be investigated further to determine if action under W&IC 2223 is in order. (See Sec. A-1364)

7. Other remedies contained in the California Code of Civil Procedures, except as prohibited by W&IC 2006, may be utilized by the county to enforce collection of amounts due from recipients or former recipients of aid. These remedies include garnishment, attachment, restraining orders, and proceedings supplemental to execution.

8. Unless rendered inoperative by an action of the debtor, the Statutes of Limitations in California on repayment of aid are generally as follows:

   a. For unsecured debts not arising from fraudulent action on the part of the debtor nor evidenced by a promissory note or a contract in writing, the statute runs two years from the date of the overpayment.

   b. Where the liability is created by statute, the statute of limitations runs three years from the date of the overpayment of aid to the recipient.

   c. Where fraud is established on the part of the debtor, the statute runs three years from the date of the discovery of the fraud.

   d. For debts evidenced by a promissory note or a contract in writing, the statute runs four years from due date of such written instrument.

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b. Judgments and all liens applying thereto shall be renewed at necessary intervals to insure that they will not lapse because of the running of a Statute of Limitations. (See Item 8, of this section.)

5. If the debtor is a recipient of CAP, who has no resources available to satisfy the debt, and a lien has been recorded against his property, foreclosure shall be deferred until after death (see Sec. A-1360), at which time claim shall be filed in probate proceedings.

6. A periodic check of probate records shall be made. It is recommended that this check be made monthly, but in no event shall it be made less frequently than quarterly. Any probate involving the estate of a deceased recipient shall be checked in order to determine if the decedent was a debtor against whose estate a claim for repayments due can be filed.

Any probates of estates of deceased recipients of CAS which indicate that the decedent may have been possessed of property in excess of the amount authorized by law shall be investigated further to determine if action under WSIC 2223 is in order. (See Sec. A-1350.)

7. Other remedies contained in the California Code of Civil Procedure, except as prohibited by WSIC 2006, may be utilized by the county to enforce collection of amounts due from recipients or former recipients of aid. These remedies include garnishment, attachment, restraining orders, and proceedings supplemental to execution.

8. Unless rendered inoperative by an action of the debtor, the Statutes of Limitations in California on repayment of aid are generally as follows:

a. For unsecured debts not arising from fraudulent action on the part of the debtor nor evidenced by a promissory note or a contract in writing, the statute runs two years from the date of the overpayment.

b. Where the liability is created by statute, the statute of limitations runs three years from the date of the overpayment of aid to the recipient.

c. Where fraud is established on the part of the debtor, the statute runs three years from the date of the discovery of the fraud.

d. For debts evidenced by a promissory note or a contract in writing, the statute runs four years from due date of such written instrument.

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e. On judgment liens the statute runs five years from the date of entry of judgment or of renewal thereof.

f. On W&IC 2223 and other actions in probate proceedings, there is no specific statute. However, suit must be instituted on a statutory cause of action within one year of issuance of letters testamentary or administration.

A debt in groups a,b, or c can be extended four years by securing an Agreement to Reimburse Note (see d). Such debt can be further extended five years by securing a Confession of Judgment or judgment as a result of collection suit (see e). All debts (excepting probate actions) can generally be renewed repeatedly by appropriate legal means if action is taken prior to the running of the statute. (Reference Code of Civil Procedures Sections 336 to 345, inclusive.)

If any debt appears to be in jeopardy because of the operation of a statute of limitations, action shall be taken to prevent a lapse of the county's rights.

9. The following procedures shall be established to safeguard the monies due the County, State, and Federal Governments:

a. Establishment of adequate internal controls to prevent overpayments of aid.

b. Immediate investigation of apparent overpayments to determine if the right to request repayment exists.

c. Execution of a plan for collection prescribed by this section whenever the right to request repayment exists.

d. Periodic follow-up of all unpaid debts with a planned series of collection letters or personal visits or both and reinvestigation of the debtor's financial status not less frequently than semi-annually. If circumstances justify, follow-up may well be made monthly.

(W&IC 2007, 2140)

(Section Continued on Next Page)

Suggested Form B

AGREEMENT TO REIMBURSE NOTE
(Installments)

State No. _____

County No. _____

Name _____

_____, California

_____, 195____

In installments and at the times hereinafter stated, I promise to pay to the order of the County of _____, at its office in _____, the sum of _____ Dollars ($_____) in _____ equal successive monthly installments of _____ Dollars ($_____) beginning _____,195__, and one final installment of _____ Dollars ($_____).

I agree that in case any one of said installments is not paid when due, the entire sum then remaining unpaid shall forthwith become due and payable at the option of the holder of this note, and notice of the exercise of such option is hereby expressly waived.

Installments are payable in lawful money of the United States of America.

In case suit is instituted to collect this note, or any part thereof, I promise to pay such additional sums as the Court may adjudge reasonable as attorney's fees in such suit.

Signature _____

Witness _____ Address _____

Address _____ _____

_____

_____

Suggested Form C

AGREEMENT TO REIMBURSE NOTE
(Demand Note)

State No._____

County No._____

Name_____

_____, California

_____, 195_____

On Demand I promise to pay to the order of the County of _____, at its office in _____ the sum of _____ Dollars ($_____) in lawful money of the United States of America.

In case suit is instituted to collect this note, or any part thereof, I promise to pay such additional sums as the Court may adjudge reasonable as attorney's fees in such suit.

Signature_____

Witness:_____ Address_____

Address:_____

(Section Continued on Next Page)

Suggested Form D

IN THE (enter name and jurisdiction of court)

COUNTY OF _____)
)
Plaintiff)
)
vs)
)
_____)
)
Defendant)
)

NO._____

CONFESSION OF JUDGMENT
(CCP 1132-1135)

I_____being duly sworn, declare and depose as follows:

I hereby confess judgment in favor of the county of _____, the plaintiff above named, for the sum of $_____(enter the specified sum for which entry of judgment is authorized), and authorize the entry of judgment therefor against me.

This Confession of Judgment is for a debt justly due from me to the said County of _____, and arises upon the following facts; to wit,

(enter here the facts out of which the debt arose, i.e., the cause of the overpayment and the reason the right to request repayment exists; e.g., the receipt of Old Age Security from August 1, 1950, through December 31, 1950, while I was ineligible because of the possession of personal property in excess of $1,200.00, which property I had not declared to the county.)

_____
(Signature of defendant)

Subscribed and sworn to before me

this _____day of _____, 195__.

_____
(Signature, title, and seal of person authorized to administer oath)

IT IS ORDERED, ADJUDGED, AND DECREED that the said County of _____ do have and recover of and from the said _____, the sum of $_____together with the sum of $_____ costs herein.

Dated_____

_____
(Signature of Clerk of Court)

A-1374 COUNTY RECORDS ON OVERPAYMENTS OF AID AND REPAYMENTS RECEIVABLE

In addition to the recording of data on overpayments of aid in the case record as provided in Sec. A-1356, there shall be maintained in each county a central record of Repayments Receivable, i.e., the amount of the repayment due. If the right to request repayment exists, a Repayment Receivable Record, Form ABC 831, shall be initiated. An equivalent record may be used provided it is approved by the SDSW. These records shall be filed by aid program in state number order or alphabetically with cross index to state number and shall provide data as to:

1. The debtor's name and state number and whether currently in receipt of aid.
2. The amount of the repayment due less any adjustments made in the current adjustment period.
3. The period to which the overpayment applies.
4. The reason for the overpayment.
5. Whether the overpayment was the result of fraudulent intent on the part of the debtor. If there was no fraudulent intent and the overpayment was caused by factors other than income, whether the overpayment resulted from withholding of facts believed to be immaterial. (See Sec. A-1356.)
6. Record of any change in the determinations included in Items 2 through 5.
7. Whether a Statement of Debtor's Resources, or equivalent, is on file.
8. A record of all repayments made as to dates and amounts.
9. Chronological record of all contacts made by letter or personal visit together with record of:
   a. Whether Agreement to Reimburse Note or Confession of Judgment procured.
   b. All legal actions taken, judgments procured, property liens taken, and resulting attachments.
   c. In case of fraud, whether criminal action was taken and the outcome thereof.

(W&IC 2007, 2140)

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In addition to the recording of data on overpayments of aid in the case record as provided in Sec. A-1356, there shall be maintained in each county a central record of Repayments Receivable, i.e., the amount of the repayment due. If the right to request repayment exists, a Repayment Receivable Record, Form ABC 531, shall be initiated. An equivalent record may be used provided it is approved by the SDSW. These records shall be filed by aid program in state number order or alphabetically with cross index to state number and shall provide data as to:

1. The debtor's name and state number and whether currently in receipt of aid.
2. The amount of the repayment due less any adjustments made in the current adjustment period.

3. The period to which the overpayment applies.
4. The reason for the overpayment.
5. Whether the overpayment was the result of fraudulent intent on the part of the debtor. If there was no fraudulent intent and the overpayment was caused by factors other than income, whether the overpayment resulted from withholding of facts believed to be immaterial. (See Sec. A-1356.)
6. Record of any change in the determinations included in Items 2 through 5.
7. Whether a Statement of Debtor's Resources, or equivalent, is on file.
8. A record of all repayments made as to dates and amounts.
9. Chronological record of all contacts made by letter or personal visit together with record of:
   a. Whether Agreement to Reimburse Note or Confession of Judgment procured.
   b. All legal actions taken, judgments procured, property liens taken, and resulting attachments.
   c. In case of fraud, whether criminal action was taken and the outcome thereof.

(WSIO 2007, 2140)

(Section Continued on Next Page)

FORM ABC 831

REPAYMENT RECEIVABLE RECORD

State Number _____ Name _____

Amount of Repayment Due (i.e., the amount for which the right exists to request repayment) $_____

Reason for Overpayment: _____

_____

_____

Months in Which Overpayment Occurred _____

_____

Repayment Record

Remarks:	Repayment Dates	Amounts Repaid	Balance Due
Form ABC 831, December 1950			

REVERSE OF FORM ABC 831

Demand for Repayment Served: _____

Statement of Debtor's Resources on File _____

Agreement to Reimburse Note Procured _____

Judgment Liens in Effect _____

Criminal Action Taken

Follow-up Record		Date	Remarks	Date	Remarks
Date	Remarks				

A-1376 CLOSING OR REPAYMENTS RECEIVABLE A-1376

Repayments Receivable shall be held open and appropriately followed-up and may be dropped from active status only under the following conditions:

1. Repayment is fully made.

2. Debt is less than $50 and collection cannot be affected through small claims court or without resort to measures the cost of which would equal or exceed the amount of the debt.

3. Debt is discharged in bankruptcy proceedings.

4. Debt is voided by operation of a Statute of Limitations

5. Debtor is deceased and probate action closed.

Records of closed repayments receivable shall be filed centrally, separate from those in active status. (W&IC 2140)

A-1378 QUARTERLY REPAYMENT REPORT A-1378

Within 30 days after the close of each calendar quarter each county shall complete and send to the SDSW in triplicate a Quarterly Repayment Report, Form ABC 830.

Repayments of erroneous payments (see Sec. A-1360) shall not be included in the Quarterly Repayment Report. (W&IC 116, 2140)

(Section Continued on Next Page)

FORM ABC 830

QUARTERLY REPAYMENT REPORT

Date of Report: _____ County: _____

Public Assistance Program _____ Quarter covered _____

Description	Number of Accounts	Amount
1. Active accounts at beginning of quarter		
2. New accounts set up during quarter		
3. Sub-total (Items 1 plus 2)		
4. Repayments received during quarter	xxxxxxxxxxxx	
5. Accounts closed according to Section 671-31	xxxxxxxxxxxx	xxxxxxxxxxxxxxxx
a. By repayment in full		xxxxxxxxxxxxxxxx
b. Other reasons		
6. Sub-total (Items 4 plus 5a plus 5b)		
7. Active accounts at close of quarter (Item 3 minus Item 6)		

Prepared By _____ Signed _____
Welfare Director

To be submitted in triplicate within 30 days of close of each calendar quarter to State Department of Social Welfare, 616 K Street, Sacramento, California.

Form ABC 830, December 1950

A-1382 RETURN OF ERRONEOUS REPAYMENTS A-1382

An erroneous repayment is a repayment of aid which was collected upon the mistaken assumption that an overpayment occurred for which the right existed to request repayment.

An individual who believes that he has repaid aid in error may request the return of such erroneous repayment. This request may be made at any time but shall be made in writing. The written request constitutes a claim for the return of the money erroneously repaid; the claimant need not file his request with the county auditor or county clerk since Political Code Sec. 4075 is deemed to have no bearing on claims of this nature. Assistance shall be given by the county welfare department to individuals who wish to file a request for the return of erroneous repayments of aid. (W&IC 2140)

Any requests filed by recipients or former recipients for the return of erroneous repayments applying to the Article XXV Period (1/1/49 through 2/28/50) shall be referred to the SDSW, 616 K Street, Sacramento, for instructions as to how such requests are to be processed. Complete information should be provided at the time of referral.

Claims for the return of erroneous repayments shall be approved if it is found that the repayment of aid was collected erroneously because of mistake of law or fact. The federal, state and county shares of the erroneous repayment shall be returned.

In making findings with respect to erroneous repayments of aid, the county shall carefully determine if, during the period to which the repayment was applicable, there existed other factors of complete or partial ineligibility in addition to the one on which the repayment of aid was predicated; if such facts are found to have existed, it may be found that no return, or a return in a smaller amount, is in order.

Notification shall be given to any recipient who made a repayment of aid which is determined to have been an erroneous repayment and he shall be advised of his right to seek reimbursement.

A voluntary repayment of aid, made upon the initiative of the payer without request or suggestion on the part of the county, constitutes a gift, and shall not be deemed to have been erroneous.

Recipients of aid whose claim for the return of an erroneous repayment of aid has been rejected by the county shall be informed of their right to appeal to the SDSW.

(W&IC 2140, 2222.7, AGO NS1459, NS4608, NS5736)

A-1386 MONEY PAYMENTS AND RESTRICTED PAYMENTS A-1386

A. THE MONEY PAYMENT

The money payment by warrant immediately redeemable at par shall be made to the grantee or his legal guardian at regular intervals and no restrictions shall be imposed on the use of the funds. The money payment, therefore, assures the right of the recipient to use his payment as he would money received from any other source and to be free to direct his own life. In other words the money payment makes it possible for recipients to carry on their activities through the normal channels of exchange, enjoying the same personal rights and discharging the same responsibilities as do friends, neighbors, and other members of the community. The recipient shall have full use of the warrant and there shall be no state or county control of its expenditure. Payments of aid shall be delivered unconditionally to the recipient in the full amount of the grant for the sole use and benefit of the individual on whose behalf the grant is made.

B. RESTRICTED PAYMENTS

A restricted money payment is one given under some condition or limitation which the agency imposes on the recipient's use of the money; i.e., it is a payment in which an express or implied requirement is made of the recipient that delivery of the aid warrant is contingent upon agreement to make certain or specified payments from the aid granted. The restricted payment is not subject to federal and state participation.

The warrant shall beissued to the recipient through the U. S. mail to the address at which he customarily receives mail, or delivered to him according to his instructions.

While the recipient may request the agency to deliver the warrant to him in a specified way, the county shall not determine on its own authority that delivery is to be made to any other person, nor may the county require any special endorsement or use other devices that necessitate the warrant being delivered to, or cashed by, or in the presence of, a specified person other than the grantee or his guardian.

The payment shall be accomplished without direction on the warrant or by letter, or by agreement as a condition of receiving the payment, or by other notification, that the recipient must use his money in a specified was or for a specified purpose.

Instances of several kinds of restricted payments are indicated as follows (this is not necessarily an all-inclusive list):

1. Directing that all or part of the assistance payment must be applied to specific bills or for the purchase of specific goods or services. Statements to recipients explaining the basis on which the amount of the payment is <u>determined</u> are not in themselves restrictive.

(Section Continued on Next Page)

2. Requiring that the recipient submit receipts for the purpose of showing how he has spent all or any part of his assistance payment. This does not preclude the verification of rental or other budget items when the purpose is to determine the need of the individual as in the case of original or reinvestigation of eligibility.

3. Requiring the return to the county or deposit with the county of all or part of the assistance payment for use in a manner designated by the agency.

4. Providing services to a recipient's creditors, such as assisting creditors in the collection of the recipient's debts.

5. Payment paid through the medium of a county trust fund or account, and by which the full amount of the warrant is not delivered to the recipient each month, are restricted payments.

C. SERVICES PERFORMED IN A WAY CONSISTENT WITH THE MONEY-PAYMENT PRINCIPLE:

Since the intent of the money payment is to assure to recipients freedom in their mode of living and protection from undue intrusion into their lives or invasion of their rights, it is the manner in which service is given which determines whether or not the payment is restricted. Various services to recipients can be given in such a way that neither restricted payments nor restrictive practices occur. The following paragraphs describe the ways in which a number of services can be performed in a manner which harmonizes with the money payment principle:

1. Furnishing information--Informing recipients of community resources provided the recipient, not the agency, decides how and whether resources will be used.

2. Referral and help in using resources--Referring recipients to other agencies and advising recipients how to use community resources are also proper agency functions. These referrals and the advice to recipients shall be given in such a way as not to conflict with the recipient's choice in the use of the payment.

3. Counseling--If advice and counsel about personal problems are given by an agency because the recipient wished it and if the agency worker deals with the problem in the same way as if it had occurred in a self-supporting family, no restrictive payment results. However, controlling the behavior of recipients is not an appropriate function of an assistance agency.

   If authoritative action is found essential to protect the welfare of recipients or members of their families, the situation should be referred to the courts, or other appropriate enforcement agencies. The use by the public assistance agency of its power to provide or withhold assistance through threats or penalties associated with counseling results in restricted payments.

(Section Continued on Next Page)

4. Personal services in which the agency acts for the recipient--Recipients who are infirm, bedridden, or otherwise incapacitated often request the help of the agency in selecting their mode of living and managing their resources. Such help may include, in a few instances and for a limited period of time pending the appointment of a guardian or other more permanent arrangements, cashing the check, paying bills, and buying groceries and other items. Here again, not the character of the service but the way in which the service is provided will determine whether or not the assistance payment is restricted.

Agencies should be prepared to render services of this kind when an emergency arises in which the recipient requests it, or when the recipient is so handicapped that he is incapable of exercising the rights and responsibilities of well persons. Care should be taken, however, to assure that the worker who performs such services knows that in some instances the agency may not be able to provide the service (as, for instance, when the recipient's caprice results in requests which contravene agency policy) and also realizes that he is handling the recipient's money, not the agency's. Acting for the recipient at his request does not mean that the worker takes over the situation from the recipient.

The agency may have to make arrangements for domiciliary care, housekeeping services, hospital or other medical services, or the purchase of supplies until a permanent plan can be made, a relative can be found or a guardian can be appointed, or until the recipient's health becomes such that he can exercise choice for himself. The test of restriction is such cases is whether or not the agency, in acting for the recipient, has performed services in his behalf which his relatives or guardian would have performed had they been available, and that the agency has not denied the recipient any rights or choices which he was able to exercise himself. (W&IC 2006, 2140; AGO NS1382, NS2382, NS3667, FSS-Admin.)

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APPEAL FOR FAIR HEARING

FOREWORD

Provision for an administrative hearing procedure in public assistance is significant among the standards established by the public assistance titles of the Social Security Act and by the Welfare and Institutions Code. This provision helps to assure the various rights described in the Act and in the Code.

State law sets the conditions of eligibility and defines the benefits. The determination of eligibility and the payment of benefits to eligible persons are then matters of due process. It is fundamental that "due process" includes free access to some form of judicial enforcement. This fact is recognized in the Welfare and Institutions Code where there is explicit and complete provision for hearing on any point of dissatisfaction and for securing court review of state agency decision.

In describing suitable provision for fair hearings, the Federal Social Security Administration has defined a fair hearing as "an orderly, readily available proceeding before an impartial official or panel of the state agency, in which a dissatisfied claimant of assistance or his representative may present his case, with the help of witnesses, to show why action or inaction in his case should be corrected by the state agency."

A fair hearing in OAS calls for a new determination of the appellant's status at the time the county action was taken, based on all the evidence that can be secured, regardless of whether or not that evidence was available in the first instance. The process is not essentially different from normal eligibility determination and, in general, produces no result which cannot be achieved by regular administrative process.

Since a fair hearing considers eligibility, the amount of assistance, or some similar issue, as such, rather than the county's action, the county is not placed in the position of having to defend its action. It has, on the contrary, the duty to participate in the making of a wholly new determination. That its original determination may, incidentally, be confirmed or not is a matter of secondary importance in the appeal process.

Administrative hearings are used widely in public administration and such use has resulted in the development of certain principles of "fair" hearing. These principles have been found to be in agreement with the purposes of public assistance and adaptable to its needs. The procedural requirements for hearings, as established by the federal agency, reflect these generally accepted principles and may be summarized as follows:

1. Every applicant or recipient shall be informed fully of his right of appeal and how to obtain a fair hearing;

2. He shall be informed fully of his freedom of choice between requesting the county to review his situation for possible adjustment and requesting a hearing before the state agency;

3. Hearings shall be so arranged as to be freely available to every appellant;

4. Prompt hearing, decision and execution of decision shall be insured by an effective controlling procedure;

5. Hearings shall be orderly but informal, not requiring the services of counsel in order to assure the appellant and the county full and fair hearing;

6. The right of principals to hear all testimony and examine all documentary evidence and to offer rebuttal, shall be observed fully;

7. Decision by the state agency shall be based on the hearing record exclusively and shall include a clear statement of (1) the essential facts, (2) legal or policy provisions involved, (3) the reasoning leading to decision and (4) the results for the appellant.

The procedure being provided for use by appellants, the counties and the SDSW seeks to give effect to these principles. The fact that required standards may thus be met is important. It is even more important that the best in proven principles be given expression in procedures.

In addition to its place in "due process", the hearing provides an important means of testing policy and procedure. It can serve, very usefully, as one means of assuring better general understanding of law and policy. For all of these reasons it is important that the effort of all concerned be directed to securing fair hearing.

An appeal is a request, signed by an applicant, recipient, his authorized representative or legal guardian for a fair hearing of his dissatisfaction with some county action or lack of action relative to his application for or receipt of OAS.

An appellant is one who requests a fair hearing.

A referee is ~~a~~ an impartial hearing officer designated by the SSWB to hear and to take evidence in an appeal to the SDSW.

A fair hearing is the process whereby the appellant and the county present pertinent facts and information before a referee (or before the SSWB) which facts are then considered and weighed by the SSWB as the basis of its decision.

A stipulated appeal is one in which the appellant, the county and the SDSW stipulate to the facts and recommendations and no decision by the SSWB is required. (W&IC 2140)

A-1506 RIGHT AND SCOPE OF APPEAL A-1506

The dissatisfied applicant or recipient who has not been able to secure a satisfactory adjustment in dealing with the county has two remedies open to him at all times. He may ask the SDSW to review his situation and assist him in securing a satisfactory adjustment; or he may file an appeal with the SDSW requesting a fair hearing. Having chosen either procedure, he may change to the other at any time.

While each county should have adequate procedure for considering complaints and may be able to adjust some of them by administrative action the dissatisfied applicant or recipient is not required to exhaust the possibilities of such procedure as a preliminary to presenting his problem to the SDSW.

The right of appeal is personal and can be exercised only by the applicant or recipient, by his duly authorized representative or by his legally appointed guardian. It can not be exercised on behalf of the estate of a deceased applicant or recipient.

The county shall inform every applicant for OAS of his right of appeal. An explanation of this right shall be given at the time of application. Written notice of the right of appeal shall be included in every notification to the applicant or recipient of the granting, denial, increase, decrease, discontinuance or suspension of aid, or request for repayment.

While all applicants or recipients have the right of appeal and may request a fair hearing on any point of dissatisfaction, decision by the SSWB is limited to those matters in which the SSWB has jurisdiction. This limitation bars the SSWB from considering appeals which do not pertain to programs supervised by the SDSW, except to the extent necessary to determine whether or not the SSWB has jurisdiction.

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Typical causes for appeal in OAS are the following:

1. Aid has been denied by the county;

2. Aid has been granted in a lesser amount than that to which the appellant believes he is entitled;

3. Aid has been discontinued;

4. There is question as to the date from which aid should have been paid;

5. The county did not take an application at time of request;

6. Failure of the county to act promptly on an application;

7. Dissatisfaction with the county's request for repayment of aid;

8. The county refuses to return alleged erroneous repayment of aid;

9. Dissatisfaction exists over any other matter which concerns an application for, or receipt of, OAS. (W&IC 104.5, 2140, 2182)

A-1512 HOW AN APPEAL IS FILED A-1512

The applicant or recipient who wishes to file an appeal does so by notifying the SDSW of his desire for a fair hearing. Request for fair hearing must be in writing and must be signed by the appellant. It may take the form of:

1. A specific statement, in letter form, that the appellant desires a fair hearing;

2. A petition requesting a fair hearing, or

3. A completed Form DPA 13, Appeal to the SDSW (provided by the SDSW).

The appellant may supplement his request for a fair hearing as he desires but it is to his advantage to have the basis of his dissatisfaction clearly set forth in advance of the hearing. This may be reported by letter or on Form DPA 14 Basis of Appeal ~~Before~~ to the ~~Social Welfare Board~~ State Department of Social Welfare (provided by the SDSW). However, such statements do not take the place of appearance at the hearing since it is the opportunity to appear and be heard that is being requested. (W&IC 2140, 2182)

State No._____

APPEAL
TO THE
STATE DEPARTMENT OF SOCIAL WELFARE

The Welfare and Institutions Code requires that an appeal to the State Department of Social Welfare for a hearing before the Social Welfare Board shall be made within one year after the action with which the applicant or recipient is dissatisfied (Section 104.5).

I, _____, living at
Name

_____
Address

hereby appeal to the State Department of Social Welfare from the action taken by _____ county regarding my application for or receipt of _____
(Assistance Program)

Signed _____ on _____
(Date)

IF YOU DESIRE TO APPEAL, THIS FORM SHOULD BE SIGNED AND RETURNED PROMPTLY TO THE STATE DEPARTMENT OF SOCIAL WELFARE AT:

State of California

Department of Social Welfare

State No._____

BASIS OF APPEAL

TO THE STATE DEPARTMENT OF SOCIAL WELFARE

On _____ I, _____
(Date) (Name)

living at _____
(Address)

~~signed an appeal to the State Department of Social Welfare from the action~~ by _____ county
taken regarding my application for or receipt of _____.
(Assistance Program)

Since a satisfactory adjustment has not been arranged, I now request the State Department of Social Welfare to schedule my appeal for hearing at an early date.

This appeal is made on the basis of the following: _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Signed _____

Date _____

Additional Information May be Submitted on Separate Sheet

Form DPA 14, April 1949

A-1516 TIME LIMIT ON APPEALS A-1516

The right of appeal must be exercised within one year from the date of the county action or order which caused dissatisfaction. Since the date of county action is the determining date, an appeal must be signed before the anniversary date of the county action. For example:

1. In appeals for the return of erroneous repayments the date of collection or the date of the last installment payment is the determining date.

2. In appeals from demand for repayment the date of the last demand or the date agreement to repay was signed or a lien taken, whichever is later, is the determining date.

3. In appeals involving amount of the grant, for example, a decrease in grant that has continued for more than a year, appeal may be made from deductions made during the preceeding year since the granting of aid is considered a succession of monthly orders by the county.

4. In appeals from retroactive discontinuance following cancellation of suspended warrants, the date of discontinuance action is the determining date. The period involved in the appeal would extend back to the effective date of the discontinuance. (W&IC 104.5, 2140)

A-1520 APPEAL PROCEDURE - GENERAL DESCRIPTION A-1520

The SDSW notifies the county concerned when an appeal is filed. The county reviews its record as to possibility of adjustment by administrative action, eligibility on points other than the one at issue and amount of aid payable if the appeal is granted. The county submits a written summary (Basis of Action) in advance of the hearing, and prepares to present all available information relevant to the issue at the hearing. The county must be represented at the hearing. (See Sec. A-1540, When [illegible] for Aid and Sec. A-1528, County

Each applicant shall be given full explanation of (a) his rights and responsibilities in an appeal hearing and (b) how to prepare for the hearing. He shall also be given such reasonable assistance in preparation as he may require.

Fair hearings are set with as little delay as possible. (See Sec. A-1536, Setting the Hearing.) The hearing is an orderly but informal proceeding, much in the nature of a conference. Attendance is limited to those persons who are directly concerned.

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If it is not possible to conclude the hearing because additional information must be secured, the hearing is continued to a suitable later date. (See Sec. A-1560, Continuance for Further Investigation.) Similarly, in the case of non-appearance, the hearing is continued pending re-determination of the wishes of the appellant. (See Sec. A-1564, Continuance Because of Non-Appearance.)

As soon as possible following conclusion of the hearing, the referee prepares a report to be submitted to the SSWB, including formal findings in the light of law and policy and a proposed decision.

The SSWB studies the evidence developed during the hearing and renders a decision by adopting, modifying or otherwise changing the proposed decision of the referee.

Both the appellant and the county receive prompt notification of the SSWB decision. The letter of notification is accompanied by a copy of the findings and the decision adopted by the board. (W&IC 2140)

A-1524 WITHDRAWAL OF APPEAL BEFORE DECISION A-1524

The appeal process is initiated by the appellant's request for a fair hearing and can be stopped only by his voluntary withdrawal. He may withdraw his appeal at any time before a decision is rendered by the SSWB, either because the county has made a satisfactory adjustment or for any other reason. Such withdrawal can be made only by the appellant and must be in writing. Form Gen M29, Withdrawal of Appeal (provided by the SDSW) may be used for this purpose or withdrawal may be made by letter. (W&IC 2140)

State of California Department of Social Welfare

State No. _____

WITHDRAWAL OF APPEAL

I, _____ (Name), the undersigned,

hereby withdraw the appeal I filed with the State Department of Social Welfare on _____ (Date) from the action taken by _____ County regarding my application for or receipt of _____ (Aid or Security).

I wish to withdraw the appeal because _____

_____

_____

_____

Dated _____ Signed _____

Form Gen M29, Revised July 1949

A-1528 COUNTY RESPONSIBILITY IN APPEALS A-1528

On receipt of notification by the SDSW that an appeal has been filed, the county shall review its record immediately, in order:

1. To re-examine the action or situation cited to determine if adjustment through county administrative action is in order;

2. To determine whether the appellant is eligible on all points other than the point at issue;

3. To ascertain whether there is sufficient information on file to determine the amount of aid allowable if the appeal is granted; and

4. To determine whether additional investigation is necessary.

The county shall make any necessary additional investigation in preparation for the hearing.

The county shall then prepare and submit to the SDSW a statement, Basis of Action, and any argument that the county may wish to present. (See Sec. A-1532, County Summary of Appealed Action.) This statement shall be submitted to the SDSW within 15 days of receipt of notification that appeal has been filed.

The county has continuing responsibility for maintaining contact with the appellant and shall report promptly to the SDSW, attention central office, Appeals Section, any change in the appellant's mailing address that comes to the county's knowledge during the period that hearing and decision are pending.

In general, the county has responsibility for such preparation for and participation in the hearing as will facilitate a full and fair hearing. (W&IC 2140)

A-1532 COUNTY SUMMARY OF APPEALED ACTION A-1532

Within 15 days following receipt of notification that an appeal has been filed, the county shall prepare and submit to the SDSW a summary, called Basis of Action, which shall include the following:

1. A statement of the county action or actions from which appeal is made and the date of such action;

2. A complete review of the evidence on which the county action was based, including that evidence which did not support the county action as well as that which did;

The county shall also prepare and submit to the SDSW, in advance of the hearing:

1. A statement that the appellant's eligibility on points other than the point at issue has been verified; or, if ineligibility has been determined on other points, a complete statement of the information on which such determination was made;

(Section Continued on Next Page)

2. A complete computation of aid allowable, month by month for the period covered by the appeal, showing how the amounts were determined. If any change affecting that computation occurs prior to the hearing, the county shall report it promptly by letter to the SDSW, together with the corrected computations. The county also shall present at the hearing any additional information required to bring such computations up to date. If the appellant's need and/or income is at issue, the county shall also make (and revise, if necessary, as above) any alternative computations of the amount of aid that the situation requires.

In the event that preliminary investigation by the county indicates that a longer time will be needed in order to complete the investigation and submit a report, the county may request an extension of time. (W&IC 2140)

A-1536 SETTING THE HEARING A-1536

Responsibility for scheduling the time and place of hearing rests with the SDSW. Procedures leading to a hearing are initiated as soon as an appeal is filed. Any change of address or information affecting the time or place of hearing or submitted for presentation at the hearing should be directed to the SDSW, attention Central Office Appeals Section.

1. Date of Hearing. As soon as the appellant's statement of the basis of his dissatisfaction and the county's summary (Basis of Action) are received, the SDSW shall schedule the hearing for the first available date that will permit 10-day notice to the principals. This gives the principals time in which to collect evidence or otherwise prepare for the hearing.

2. Place of Hearing. Since the place of hearing must be convenient to the appellant's home, it is generally held at the county seat of the county in which the appellant is living at the time of the hearing. If transportation presents a major problem to the appellant or if he is physically unable to undertake the trip to the county seat, the appellant may request that the hearing be held in another county, in his home community or in his own home if he is bedridden or otherwise unable to leave his home.

The county in which the hearing is to be held shall ~~be responsible for~~ assist in arranging for a suitable hearing room when requested to do so by the SDSW. The room should be large enough to accommodate approximately 6 or 8 people and should contain a table where the referee and reporter can work. It should be in some public building, preferably in quarters other than those occupied by the county welfare department, and should afford privacy.

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3. Notification. The appellant and the county shall have not less than 10-day's notice of the time and place of hearing. Notification shall be in writing and shall be sent by registered mail, return receipt requested.

   After a hearing has been scheduled, either the appellant or the county may, by writing to the SDSW, request a postponement of the hearing. The SDSW shall then notify the other party of the request and ask for assent or dissent in writing. The request and the response of the second party shall then be considered. In general, the first request ~~of an appellant~~ for postponement shall be given favorable consideration. (W&IC 2140)

A-1540 WHEN HEARING NOT HELD IN COUNTY RESPONSIBLE FOR AID A-1540

If the hearing is to be held in a county other than the responsible county, the latter county may elect any one of the following procedures:

1. Send a county representative, with the case record, to the hearing; or

2. Include in the Basis of Action all of the information in the county's possession regarding the point or points at issue, both supporting and opposing the county action, together with relevant dates and any argument the county desires to make and conclude with the statement that the county rests its case on the Basis of Action, or

3. Send the case record, containing all relevant information in the county's possession, to the county in which the appellant is living, with the request that the second county represent the responsible county at the hearing. Such request should be made in sufficient time to allow the second county to arrange such representation or notify the first county of its inability to act. The first county would then, necessarily, follow one of the other two procedures.

A-1544 THE REFEREE - FUNCTION AND DUTIES A-1544

The referee is a hearing officer designated by the SSWB to hear the appeal, ~~taking~~ taking evidence and ~~preparing~~ preparing findings for consideration by the SSWB.

In conducting the hearing the referee shall, to the fullest extent possible, strive to:

1. Reassure the appellant that he is to receive a full and fair hearing;

(Section Continued on Next Page)

2. Secure full and cooperative participation by those who have information to present;

3. Define clearly the issues involved in and the period covered by the appeal;

4. Cover all relevant points of fact or argument;

5. Provide ample opportunity for principals to question testimony and examine documentary evidence;

6. Secure all available or necessary information.

To these ends, it is necessary that the referee maintain order, retain general control of the proceeding, direct the hearing to relevant points, avoid irrelevant discussions as far as possible without unduly limiting expression and generally to guide the hearing to a successful conclusion.

If sufficient information regarding the point at issue is not available at the hearing, the referee may at his discretion:

1. Continue the hearing to a later date (See Sec. A-1560, Continuance for Further Information).

2. Close the hearing but withhold his report and proposed decision (See Sec. A-1556, Referee's Request for Additional Material).

The second phase of the referee's function is preparation and submission of a report to the SSWB, such report to be accompanied by a transcript of testimony. The report shall include:

1. A statement of the issues involved in and the period covered by the appeal;

2. Findings of fact based on the evidence;

3. Analysis of the findings in relation to law and policy;

4. A proposed decision and order;

The referee's report shall be prepared as soon as possible following conclusion of the hearing and shall be prepared with due consideration for points of law and policy. In preparing his report, the referee shall consult legal and policy authorities as necessary but he shall be fully responsible for the content of the report. (W&IC 2140)

A-1548 FUNCTION OF PUBLIC ASSISTANCE REPRESENTATIVE A-1548

The department representative in public assistance has no responsibility for pre-hearing investigation. Usually, however, upon receiving notice that an appeal has been filed, the public assistance representative will review the county record.

The services of the public assistance representative are available to the appellant and to the county in exploring the possibility of an adjustment while the appeal is pending. The public assistance representative will also answer any questions the appellant may have regarding his appeal and will render any services the appellant may need in securing records or other information for his appeal.

The public assistance representative may attend the hearing for the purpose of assisting the appellant, the county and the referee. (W&IC 2140)

A-1552 THE HEARING - GENERAL RULES AND PROCEDURE A-1552

Attendance at a hearing shall be limited to those directly concerned, namely, the appellant and his representative and witnesses; representatives of the county; SDSW representatives; the referee and the hearing reporter. The referee shall exclude unauthorized persons from the hearing unless both principals agree to their presence. Appearance by the appellant (in person or by representative) is required at the hearing. County representation is also required. (See Sec. A-1540, When Hearing Not Held in County Responsible for Aid.)

The hearing shall be conducted in ~~a~~ an impartial and in a relatively informal manner in order to encourage free and open discussion by participants. At the same time, the referee shall control the hearing to insure that each person has the right to speak without unreasonable interruption.

A reporter shall be provided to record a verbatim report of the hearing, suitable for review by a court in the event that court review is sought. Certain formalities must, therefore, be observed in order to protect the legal rights of all concerned. The general character of the hearing shall be that of a conference rather than of a court proceeding. In conducting the hearing, the referee shall be governed by the general rules for evaluation of evidence as contained in the Department Manual of Policies and Procedures--OAS. He is not bound by the strict rules of court evidence. (W&IC 2140)

A-1556 REFEREE'S REQUEST FOR ADDITIONAL MATERIAL A-1556

If the referee feels the need of verification or documentation of unsupported statements made at the hearing, he may, at his discretion, order one or both of the principals to secure and send to him such verification or documents. He may then close the hearing after informing the principals that his report and recommendations will be held in abeyance pending receipt of the material requested.

Any such material shall be submitted directly to the referee. It shall be made available to both principals and they shall be given time for rebuttal before the referee submits his report. If further testimony is required because of the nature of the information submitted, the referee may request the SDSW to set a date for further hearing.

A-1560 CONTINUANCE FOR FURTHER INFORMATION A-1560

If the referee finds that immediately available information is not adequate and additional investigation is needed, or that there are specific items of information essential to the hearing but which cannot be obtained without some delay, he shall continue the hearing. In all such cases the interim shall be held to the shortest possible time. the referee may continue the hearing at the request of either party.

1. If the desired information is readily available to one or both of the principals, the referee shall, before adjourning the original hearing, set the time and place for the continued hearing at the earliest suitable date, notifying the principals that there will be no further written notice. He shall instruct one or both principals to bring the desired information to the continued hearing.

2. If the needed information is not readily available and further investigation is required, the referee shall instruct the principals to cooperate in securing the information but shall place primary responsibility upon the county for verifying and reporting the information to the SDSW, attention Central Office Appeals Section. The referee shall continue the hearing, and so notify the SDSW, attention Central Office Appeals Section, but shall set no time or place for the continued hearing. When the required investigation has been completed and reported, the SDSW shall set a date for the continued hearing, giving notice in the usual fashion. (W&IC 2140)

A-1564 CONTINUANCE BECAUSE OF NON-APPEARANCE A-1564

If the appellant, or his duly authorized representative, fails to appear at the time and place set for hearing, the referee shall continue the hearing and refer it to the SDSW, attention Central Office Appeals Section. The SDSW shall inquire of the appellant, as to his wishes regarding his appeal and shall set a new date for the hearing if the appellant wishes to continue.

(Section Continued on Next Page)

If the appellant, or his authorized representative, having received due notice fails to appear a second time without adequate reason, the referee shall consider the appeal abandoned and shall recommend to the SSWB that the appeal be dismissed. (W&IC 2140)

A-1568 DECISION BY STATE SOCIAL WELFARE BOARD A-1568

Referee reports are considered at the regular monthly meetings of the SSWB.

In rendering a decision, the SSWB considers only the evidence secured through the hearing. Upon the basis of this information and in the light of relevant law and policy the SSWB renders a decision.

If the appeal is granted the SSWB orders payment of OAS in specific amounts for a specific period. (W&IC 2140)

A-1572 NOTICE OF DECISION BY STATE SOCIAL WELFARE BOARD A-1572

Within 10 days after the SSWB decision is rendered, the SDSW will mail notification of the SSWB decision to the appellant, the chairman of the county board of supervisors, the county auditor, and the county welfare department. The letter of notification will be accompanied by a copy of the findings of fact and decision as adopted by the SSWB. (W&IC 2140)

A-1576 STIPULATED APPEALS A-1576

There are some appeals which the county cannot adjust by administrative action alone even though the county is willing to make the adjustment. Such appeals include ones involving retroactive restorations. (See Sec. A-1304, Beginning Date of Aid - Restorations and Sec. A-1306, Initial Payments.) Also included are appeals which were signed within one year of the county action complained of but not adjusted within that period.

Under such circumstances, the county presents the facts to the SDSW and requests concurrence in their recommendations. If the SDSW concurs the county is authorized to make the adjustment. When an adjustment satisfactory to the appellant has been made he is asked to withdraw his appeal. (W&IC 2140)

A-1580 COUNTY RESPONSIBILITY AFTER STATE SOCIAL WELFARE BOARD DECISION A-1580

The county shall pay the appellant the amount of aid awarded by the SSWB or carry out any other order of the SSWB directed to the county in giving effect to the decision.

(Section Continued on Next Page)

If there is a change in the appellant's circumstances after the period covered by the SSWB decision, the usual procedures are followed without further referral to the SSWB unless a new basis for appeal arises. (W&IC 104.6, 2140, 2182)

A-1584 HEARING CONDUCTED BY STATE SOCIAL WELFARE BOARD A-1584

All hearings shall be by referee except that the SSWB, on its own motion, may elect to hear any specific appeal, subject to the condition that the availability of the hearing to the appellant must not be limited by this action of the SSWB.

~~When~~ the SSWB elects to conduct a hearing, dispensing with the services of a referee, the procedure shall be the same, otherwise, as for hearing by referee. There will be no pre-investigation by SDSW staff other than that done normally for supervisory purposes. The appellant may appear in person or by authorized representative but appearance by both appellant (or his authorized representative) and county is required. (W&IC 2140)

A-1588 RE-HEARING A-1588

After decision by the SSWB, an appellant or a county, believing that all pertinent factors were not presented or considered at the hearing, may request a re-hearing. The request, a statement of the reasons therefor and any additional evidence, shall be submitted to the SDSW for presentation to the SSWB. A re-hearing, if granted, must be held within six months after the original order or decision. It is important, therefore, that any request for re-hearing be filed in time to permit consideration of the request and the holding of the re-hearing, if granted, within the statutory six-month limit.

The SSWB may re-hear on its own motion or on application of any interested party. (W&IC 104.5, 2140)

If the appellant is dissatisfied with any decision of the SSWB, he may file, in the Superior Court of the county in which he resides, a petition praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. On and after September 22, 1951, such petition shall be filed within one year from the date of the SSWB decision with which he is dissatisfied. The SSWB shall be sole respondent in such proceedings. If the court, when deciding in favor of the appellant makes a finding as to attorney's fees and costs, such fees and costs shall be paid by the state as indicated by the court's ruling.

No filing fee shall be required from an appellant for the filing of a petition in the Superior Court for a review of the proceedings in his case, nor shall a bond be required in the case of any petition for review, nor in any appeal therefrom. If the decision of the court is in favor of the appellant, aid shall be paid from the first of the month following date of application therefor, and the appellant shall be entitled to reasonable attorney's fees and costs.

Either the appellant or the SSWB may appeal the Superior Court's decision. (W&IC 10h.2, 2140, 2182)

T-22
CH-2

AREA OFFICES

LOS ANGELES OFFICE
MICHIGAN 8411
MIRROR BUILDING
145 SOUTH SPRING STREET
12

SACRAMENTO OFFICE
GILBERT 2-4711
924 9TH STREET
14

SAN FRANCISCO OFFICE
EXBROOK 2-8751
GRAYSTONE BUILDING
948 MARKET STREET
2

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES I. SCHOTTLAND
DIRECTOR

STATE HEADQUARTERS
SACRAMENTO
GILBERT 2-4711
616 K STREET
14

July 31, 1951

ADDRESS REPLY TO:

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

Dear Mr. Jordan:

Attached are three copies of the regulations which will be issued by the State Department of Social Welfare with Aid to Needy Children Manual Letter No. 13 and a resolution of the State Social Welfare Board which obsoletes certain specified regulations.

These regulations were adopted by the State Social Welfare Board on July 27, 1951, pursuant to the powers conferred upon it by the Welfare and Institutions Code under Sections 103, 103.5, and 114(b), and are being filed in accordance with Section 11380 of the Government Code.

These regulations are all effective September 22, 1951, except for Chapter V, Appeal for Fair Hearing, which is effective September 1, 1951.

Department Bulletin No. 408 is obsolete.

Very sincerely yours,

C. I. Schottland

Charles I. Schottland
Director

Attachments

FILED
In the Office of the Secretary of State
of the State of California

JUL 31 1951

At 4 o'clock P M.
FRANK M. JORDAN, Secretary of State
By [signature] Deputy

~~APPEALS~~

The chapters on appeals for the new OAS, AB, and ANC Manuals are presented for approval of the SSWB. If these chapters are approved, approval of the following resolution is also requested to obsolete the Fair Hearings Chapter of the present integrated Manual.

RESOLUTION

Chapter XV of the Manual of Policies and Procedures - OAS, Chapter XIII of the Manual of Policies and Procedures - Aid to the Blind, and Chapter VI of the Manual of Policies and Procedures - ANC render obsolete the Fair Hearing Chapter (Chapter 325) of the Manual of Policies and Procedures effective September 1, 1951.

Certified as a Regulation (or as Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C J Schoolcraft
(Signature)

Director
(Title)

7-31-57
(Date)